FEDERAL REGISTER

VOLUME 7 NUMBER 10

Washington, Thursday, January 15, 1942

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER No. 6957 OF FEBRUARY 4, 1935, WITHDRAWING CERTAIN PUBLIC LANDS

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 6957 of February 4, 1935, temporarily withdrawing certain lands in Alaska from appropriation under the public-land laws, is hereby revoked as to the following-described tracts, in order to validate homestead entry No. 08352, Anchorage series, of Lannah Z. Scott:

SEWARD MERIDIAN

T. 18 N., R. 2 E., sec. 30, lots 3, 4, E½SW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 13, 1942

[No. 9022]

[F. R. Doc. 42-353; Filed, January 14, 1942; 10:06 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 12—CONDITIONAL PAYMENTS BY BORROWERS

Part 12 of Title 6, Code of Federal Regulations, is amended by adding §§ 12.3112–50 to 12.3112–52, as follows:

§ 12.3112–50 *Acceptance of conditional payments.* The Federal Farm Mortgage Corporation has authorized the acceptance of conditional payments for subsequent credit upon indebtedness to the Corporation under first mortgage Commissioner loans (C–1 loans) or under purchase mortgages and real estate contracts arising out of sale of real property securing such loans. Conditional payments accepted under this authorization shall be held for subsequent credit upon indebtedness to the Corporation, in accordance with the provisions of §§ 12.3112–51 and 12.3112–52.*

*§§ 12.3112–50 to 12.3112–52, inclusive, issued under the authority contained in 48 Stat. 344, 345; 12 U.S.C. §§ 1020, 1020a.

§ 12.3112–51 *Interest; application of conditional payments on indebtedness; disposition of unapplied conditional payments after payment of indebtedness in full.* The provisions of §§ 10.387–51, 10.387–52, and 10.387–53,[1] Part 10 of Title 6, Code of Federal Regulations, dealing with "Interest", "Application of conditional payments on indebtedness", and "Disposition of unapplied conditional payments after payment of indebtedness in full", shall be applicable to conditional payments accepted by the Corporation in the same manner as though the word "bank" wherever it appears in said section were the word "corporation".*

§ 12.3112–52 *Evidence of acceptance of conditional payments.* The evidence of acceptance of conditional payments accepted by the Corporation shall be subject to the provisions of § 10.387–54,[1] Part 10 of Title 6, Code of Federal Regulations, insofar as applicable, and the form of receipt used shall have the approval of the Federal Farm Mortgage Corporation.*

[SEAL] HARRIS E. WILLINGHAM,
Executive Vice-President, Federal Farm Mortgage Corporation.

[F. R. Doc. 42-381; Filed, January 14, 1942; 11:33 a. m.]

[Amendment No. 2]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY THE FARM CREDIT ADMINISTRATION

LOANS BY PRODUCTION CREDIT ASSOCIATIONS: CHARGES TO BORROWERS

Section 50.13 of Title 6, Code of Federal Regulations (as amended, 4 F.R. 4807) is amended to read as follows:

[1] 6 F.R. 4506.

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THE PRESIDENT

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§ 50.13 *Charges to borrowers.* Subject to the approval of the president of the corporation the association may prescribe charges and other fees to be charged applicants in connection with loans. Inspection fees in excess of $3 shall not exceed 1 percent of the amount of the loan commitment. Except when an exemption has been approved by the president of the corporation the cost of title and/or mortgage abstracts and searches, fees for filing or recording mortgages, fees in connection with releases, notarial fees in connection with the execution of loan papers, and other expenses incurred in closing loans must be paid by the borrower. (Sec. 60, 48 Stat. 266, 12 U.S.C. 1138)

[SEAL] C. R. ARNOLD,
Production Credit Commissioner.

[F. R. Doc. 42-382; Filed, January 14, 1942; 11:33 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1941–42 FOR PUERTO RICO, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.43d *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1941–2*—(a) *For all farms, except in the Island of Vieques.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in Puerto Rico, except in the Island of Vieques, if there are carried out prior to April 30, 1942, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 150 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of sufficient chemical fertilizer to provide an average of not less than 100 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 400 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 265 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 250 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an

amount averaging not less than 165 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $1 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1941:

(i) The application during the 1941 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraph (3) (i) and (ii) of this paragraph; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(b) *For farms in the Island of Vieques.* The requirements of section 301 (e) of the said act shall be deemed to have been met with respect to a farm in Puerto Rico in the Island of Vieques if there are carried out prior to April 30 1942, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 75 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of sufficient chemical fertilizer to provide an average of not less than 50 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 135 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 85 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1941:

(i) The application, during the 1941 harvest season, to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraph (3) (i) and (ii) of this paragraph; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 31, 1941, for which payment would be made in an amount equal to at least $0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(c) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied prior to April 30, 1942, shall not be less than 100 percent of the number of acres on which sugarcane is planted during 1941, and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during 1941.

(d) *Additional credit in connection with 1941 Agricultural Conservation Program.* Where there is reference to payments which would be made under the terms of the 1941 Agricultural Conservation Program, Puerto Rico, in subparagraphs (3) (iii) and (4) (iii) of paragraph (a) of this section, and in the corresponding subparagraphs of paragraph (b) of this section, credit is to be allowed, in calculating the payment per acre, for chemical fertilizer applied, if any, at the rate of $0.50 per hundred pounds gross weight.

(e) *Standards of performance.* The foregoing practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located.

(f) *Definitions.* Wherever used in this section, except in paragraph (d), chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid, and water soluble potash. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C. this 14th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42-361; Filed, January 14, 1942; 11:17 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.1 *Age and citizenship requirements.* (a) A Reserve officer must at the time of his appointment be a citizen of the United States or a citizen of the Philippine Islands in the military service of the United States, between the ages of 21 and 60 years, except that the minimum age for appointment as second lieutenant, Air Corps Reserve, is 18 years.

(b) The minimum ages for original appointment will be as follows:

To the grade of—	Years
Second lieutenant, Air Corps Reserve	18
Second lieutenant, except Air Corps Reserve (see subparagraph (1) below)	21
First lieutenant (see subparagraph (2) below)	24
Captain (see subparagraphs (3) and (5) below)	28
Major	33
Lieutenant colonel	39
Colonel (see subparagraph (4) below)	46

(1) No appointments in Chaplains and Medical Department (except Medical Administrative Corps) are made in the grade of second lieutenant.

(2) Appointments in the grade of first lieutenant of the Dental, Veterinary, and Medical Corps may be made at the age of 21 years.

(3) No appointments in the Judge Advocate General's Department are made below the grade of captain. No appointments in the Medical Administrative Corps are made above the grade of captain.

(4) No appointments in Military Intelligence are made in the grade of colonel.

(5) The minimum age for appointment in the grade of captain in the Adjutant

[1] § 61.1 a and b is amended (6 F.R. 3717).

General's Department Reserve will be 30 years. (Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 3, 48 Stat. 939; 10 U.S.C. 353) [Par. 13, AR 140–5, June 17, 1941, as amended by Cir. 180, W.D., Aug. 26, 1941, Cir. 184, W.D., Aug. 29, 1941, and Cir. 3, W.D., Jan. 5, 1942.]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–352; Filed, January 13, 1942; 4:22 p. m.]

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.218 *Waiver of physical defects.* (a) Deviations from normal physical standards (§ 73.216) that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current War Department instructions applicable to members of the Officers' Reserve Corps ordered to extended active duty.

(b) Because of the urgent necessity of expanding the officer personnel of the supply arms and services to meet the needs of the procurement load now devolving upon the War Department, it will be the policy of the Secretary of War to approve for appointment or for extended active duty individuals qualified for limited assignments who have minor physical defects which would disqualify them under current physical standards, but which will not interfere with the satisfactory performance of the duties contemplated provided the defects are stationary in character and are not likely to be aggravated as a result of active military service. (In examining individuals for limited service great care will be exercised to elicit any history, symptoms, or objective evidence of constitutional disease, cardiovascular degeneration, or mental disorder which may be present).

(c) Reports of Physical Examination (W.D., A.G.O. Form No. 63) of individuals examined for appointment or for assignment to extended active duty for limited service will have typed in capital letters immediately above the instructions near the top of the form the words Limited Service and will be accompanied by prescribed affidavits from the individuals concerned. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 29, AR 605–10, Oct. 27, 1941, and letter AGO dated Jan. 7, 1942, AG 210.31 (12–19–41) RP–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–342; Filed, January 13, 1942; 1:55 p. m.]

[1] § 73.218 is amended. Part 73 appears at 6 F.R. 5660.

PART 74—ENLISTMENT OF AVIATION CADETS[1]

§ 74.1 *Eligibility*—(a) *General.* Civilians are eligible for appointment as aviation cadets. Candidates must be at time of application unmarried male citizens of the United States who have been citizens of the United States for not less than 10 years immediately preceding appointment; between the ages of 18 and 26 years, inclusive; individuals who have satisfactorily completed at least one-half the credits required for a degree at a recognized college or university, or who can pass an examination covering such work; of excellent character; and of sound physique and in excellent health. No candidates will be appointed as aviation cadets after they have reached their 27th birthday. (41 Stat. 765; 10 U.S.C. 42) [Par. 1*b*, AR 615–160, July 20, 1938, as amended by Cir. 111, W.D., June 10, 1941, and Cir. 3, W.D., Jan. 5, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–351; Filed, January 13, 1942; 4:22 p. m.]

[1] § 74.1 (a) is amended (6 F.R. 3085).

PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY[2]

§ 75.3 *Course as a cadet.* (a) Upon admission to the academy, he enters upon a 4-year course of study and training. The academic year extends from September 1 to June 4, the greater part of the remainder of the year being spent in camp and devoted to military training. At the end of his second year at the academy he is granted a furlough of about 10 weeks, which, with the exception of a few days during Christmas week of his second, third and fourth years, is the only extended vacation which he receives. During the time he remains a cadet, he is paid $780 per annum and allowed 1 ration per day. Upon graduation he may be commissioned as a second lieutenant in one of the arms or services of the army.

(b) The points brought out briefly in the paragraphs above are explained in detail in the following pages.* [Par. 4]

*§§ 75.3, 75.5, 75.6 (b), 75.7 (d) and (e), 75.10, 75.12 (b) (5), 75.13, 75.14 (a) (1) and (b), 75.18 (a) and (j), 75.22 (d) and 75.25 (a) as amended are issued under authority contained in R.S. 161; 5 U.S.C. 22.

§ 75.5 *Filipino cadets.* (a) In addition to the 1,960 mentioned above, the Secretary of War is authorized to permit not exceeding four Filipinos, to be designated one for each class by the President of the Commonwealth of the Philippine Islands, to receive instruction at the United States Military Academy, under the provision of the act of Congress approved May 28, 1908, as amended.

These students execute an agreement to comply with all regulations for the police and discipline of the Academy, to be studious, and to give their utmost efforts to accomplish the courses in various departments of instruction.

(b) The act of Congress approved June 30, 1941, making appropriations for the Military Establishment for the fiscal year ending June 30, 1942, contains a proviso which reads as follows:

* * * That no part of this or any other appropriation contained in this Act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department * * *.

* [Par. 6]

§ 75.6 *Appointments, how made.*

* * * * *

(b) All appointments are made by the President as follows:

* * * * *

(7) In 1942, from among the enlisted men of the National guard of the States eral service, upon the recommendations and Territories, now inducted in the Fedof the commanding generals of the respective corps areas and territorial departments.

(8) From among the enlisted men of the Regular Army, upon the recommendations of the commanding generals of the respective corps areas and territorial departments.

(9) Appointments from the United States at large (excepting those from "honor military schools," those chosen from among the sons of deceased World War veterans, and those appointed upon the recommendation of the Vice President) are made by the President upon his own selection, and as the result of a competitive examination, identical in every respect with the regular entrance examination.

(10) Only such candidates as are fully qualified may be nominated subsequently to the holding of the scheduled examinations, and no nomination for appointment will be accepted if received in the War Department later than midnight on June 30th, preceding the regular date of admission to the Military Academy on July 1st. Letters whose post office marks clearly show that they were placed in

[2] 6 F.R. 613.

[3] §§ 75.3, 75.5, 75.6 (b), 75.7 (d) and (e), 75.10, 75.12 (b) (5), 75.13, 75.14 (a) (1) and (b), 75.18 (a) and (j), 75.22 (d), and 75.25 (a) are amended. The regulations contained in these sections are also contained in Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, West Point, N. Y., November 28, 1941, the particular paragraphs being shown in brackets at the end of sections.

the mail prior to midnight of June 30th are held to meet the foregoing requirement.* [Par. 7]

§ 75.7 *Selection of candidates.*

* * * * *

(d) *From the National Guard.* (1) To be eligible for appointment from the National Guard, an applicant must be an enlisted man in an active or inactive status of a unit recognized by the Federal Government and must, at date of admission, be a member of the National Guard and between the ages of 19 and 22 years, and have served as an enlisted man in an active status in the National Guard not less than one year. It is not essential that the service shall have been continuous; therefore, former service in the National Guard may be counted in determining an applicant's eligibility. Similarly, service with a National Guard organization prior to its recognition by the Federal Government may be considered, the date of enlistment of the soldier governing, and not that of the recognition of the unit.

(2) As the National Guard has been inducted and is now in Federal service, appointments from this source in 1942 will be made upon the recommendations of the commanding generals of the respective corps areas and territorial departments in a manner similar to those of enlisted men of the Regular Army. (See paragraph (e) of this section.)

(3) National Guard candidates will be chosen from successful competitors in a preliminary examination of a scope and nature similar to the regular Military Academy entrance examination, instituted and conducted by the respective commanding generals and to be held between December 1 and December 15, annually.

(4) Each candidate thus selected will be authorized by the War Department to report for the regular Military Academy entrance examination, which he must undergo in competition with the entire number of National Guard candidates, the available vacancies being awarded to those physically qualified candidates making the highest proficient averages in the order of merit established at the last-mentioned examination.

(5) The law requires that the service of a National Guard candidate shall have been in a National Guard unit for a full year, and Army service cannot be substituted therefor, in whole or in part.

(e) *From the Regular Army.*

* * * * *

(4) The law requires that the service of an Army candidate shall have been in the Regular Army for a full year, and National Guard service cannot be substituted therefor, in whole or in part.* [Pars. 11 and 12]

§ 75.10 *Entrance examination where held.* (a) The board before which a candidate is directed to appear will be convened at the place nearest or most convenient to his home or to the school at which he is in regular attendance.

(b) Following is a list of the places at which the examination is held:

Army and Navy General Hospital, Hot Springs National Park, Ark.
Army Medical Center, Washington, D. C.
Army Base, Boston, Mass.
William Beaumont General Hospital, El Paso, Tex.
Fort Benning, Ga.
Fort Bragg, N. C.
Canal Zone (such place as the Commanding General, Panama Canal Department, may designate).
Alaska (post to be designated).
Federal Office Bldg., 90 Church St., New York City, N. Y.
Fitzsimons General Hospital, Denver, Colo.
Fort Douglas, Salt Lake City, Utah.
Fort Benjamin Harrison, Ind.
Fort Hayes, Columbus, Ohio.
Fort Sam Houston, Tex.
Jefferson Barracks, Mo.
Fort Knox, Ky.
Fort Leavenworth, Kans.
Letterman General Hospital, Presidio of San Francisco, Calif.
Fort Lewis, Wash.
March Field, Calif.
Fort McPherson, Ga.
Fort Omaha, Nebr.
Jackson Barracks, New Orleans, La.
San Juan, P. R.
Fort Sheridan, Ill.
Fort Sill, Okla.
Fort Snelling, Minn.
Schofield Barracks, Honolulu, Hawaii.
Fort Wm. McKinley, P. I.

* [Par. 15]

§ 75.12 *Admission by regular mental examination (see § 75.8(a)).*

* * * * *

(b) *Subjects.*

* * * * *

(5) *History.*

* * * * *

(ii) The examination in United States history will cover: Early discovery and settlements; the forms of government in the Colonies; the birth and development of a constitutional form of government; the causes, leading events, and results of wars; import events in the political and economic history of the Nation from its foundation to and including the national election of 1936; the location of places, areas, boundaries, and routes of outstanding historical significance.* [Par. 22]

* * * * *

§ 75.13 *Admission by certificate and validating examinations.*

(Footnote 3 under this section (6 F.R. 613) is amended to read as follows:)

[3] In the case of candidates from schools so organized as to offer only 1½ years of algebra, the 1½ units of credit so earned will be accepted as meeting the requirements in that subject if the certificate shows completion of all subject matter listed in § 75.16 (a).

§ 75.14 *Admission by certificate (see § 75.8 (c)).* (a) The academic board will consider and may accept without other mental requirement:

(1) A properly attested college certificate that the candidate is, or was upon leaving, a regularly enrolled student in good standing without condition in a university, college, or technical school accredited by the United States Military Academy, provided that he entered college with the secondary school credits prescribed in § 75.13 (a), and provided further that he has completed successfully at least one semester in college. If he lacks not more than 2 units of the prescribed secondary school credits, required or optional, he may make up this deficiency in college at the rate of one semester of college work to one year of secondary school study.

A full record of academic work at college, giving subjects taken and grades attained in each, should be presented on form I, which must be submitted in all cases where college work covers one semester or more.

If the college certificate covers less than 1 full year's work in college, it must be accompanied by a certificate covering work in secondary school, and the two certificates will be considered together in determining the candidate's mental qualifications.

* * * * *

(b) * * *

(2) The academic board may reject any certificate for low grades, or upon any evidence, whether contained in the certificate or not, that creates a reasonable doubt as to the candidate's mental qualifications for admission. A record in the entrance examination of a former year is considered excellent evidence of mental qualifications for admission and is given great weight when certificates are being evaluated. Taking the examination, when unprepared, merely for practice and failing on the same may, therefore, have an adverse effect if entrance by certificate is sought in a later year.

(3) A candidate whose certificate has been accepted unconditionally under § 75.14 (a) is excused from the mental examination but must appear for the physical examination.

(4) A candidate whose certificate is approved under § 75.14 (a) (4) subject to later passing of the College Entrance Examination Board's Scholastic Aptitude and Mathematics Attainment Tests[4] is accepted as mentally qualified for admission if his record in these tests proves satisfactory. He is rejected as mentally unqualified if it proves unsatisfactory.* [Pars. 24 and 25]

§ 75.18 *General information as to certificates.*

* * * * *

(b) Paragraph (b) of this section was omitted in revision of Information Relative to the Appointment and Admission of Cadets.

(c) Certificates should be submitted not later than February 15. A certificate received between February 15 and the examination will receive consideration, but, in view of the short time left to the academic board to investigate its value, no assurance will be given that such certificate can be acted on in time to exempt the candidate from the regular mental examination. Certificates received at West Point too late for full

[4] In cases where the Scholastic Aptitude Test taken includes a mathematical section the Mathematics Attainment Test is not required. These tests, prepared by the College Entrance Examination Board, 431 West One Hundred Seventeenth Street, New York, N. Y., are the only such tests accepted for exemption from entrance examinations. General information concerning such examinations may be obtained from the College Entrance Examination Board. Tests prepared by State or other testing agencies are not accepted.

investigation and appraisal before 9 a. m. on the first Tuesday in March of each year will be filed without action thereon. Candidates will be notified of the time and date of the receipt of such certificates.

(j) A certificate which is accepted as satisfactory for one examination will be regarded as satisfactory for any other examination which may be set for entrance with the same class, unless it has been voided in the meantime by failure in the first examination, in which event it will be reconsidered in connection with the results of that examination, should the candidate be reappointed with a view to admission the same year.* [Par. 39]

* * * * *

§ 75.22 *Physical requirements.*

* * * * *

(d) *Physical exercises.* Due to the nature of the new cadets' training during their first 2 months at the academy, the physical requirements must, of necessity, be rather strenuous and exacting. Experience has indicated that those cadets who, prior to admission, have hardened themselves physically meet these requirements best. The cooperation of parents is enjoined to encourage future cadets to participate in some form of physical exercise prior to their arrival at the academy.

(Paragraphs (d) and (e) of this section (6 F.R. 613) are redesignated (e) and (f) respectively, as follows:)

(e) *Physical proportions for height, weight, and chest measurement for all candidates except Filipinos.* * * *

(f) *Minimum standards for Filipino applicants only.* * * *

* [Par. 43, 44 and 45]

§ 75.25 *Pay of cadets.* The pay of a cadet is $780 per year plus 1 ration per day, to commence with the admission to the academy.* [Par. 51]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-343; Filed, January 13, 1942; 1:55 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 01—AIRWORTHINESS CERTIFICATES

[Regulations, Serial Number 200]

SPECIAL REGULATION CONTINUING EFFECTIVENESS OF CERTAIN AIRWORTHINESS CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of January 1942.

It appearing that:

Aircraft airworthiness certificates are issued to continue in effect indefinitely unless suspended, revoked, or canceled, except that each such certificate immediately expires at the end of one year after the date of issuance or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized inspector of the Administrator;

By reason of the numerous additional duties placed upon the inspectors of the Administrator because of the existing state of war it will be physically impossible to endorse all airworthiness certificates prior to their expiration;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 603 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provisions of Part 01 of the Civil Air Regulations, all airworthiness certificates the endorsement period of which would expire between January 1, 1942, and July 1, 1942, shall continue in effect and shall not require endorsement until six months after the date upon which the endorsement period would otherwise expire: *Provided,* That this special regulation shall not apply to scheduled air carrier aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-348; Filed, January 13, 1942; 11:01 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4289]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF E. R. DAVIS PRESCRIPTION COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Davis Formula No. 7895," or other similar medicinal preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of his said preparation, which advertisements represent, directly or through inference (1) that respondent's preparation is a cure or remedy for asthma or has any therapeutic value in the treatment thereof, in excess of furnishing temporary relief from the paroxysms of asthma; (2) that respondent's preparation is a cure or remedy for hay fever, or that it has any substantial therapeutic value in the treatment of such disorder; (3) that the use of respondent's preparation will prevent attacks of asthma or hay fever, or prevent any recurrence of such attacks; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, E. R. Davis Prescription Company, Docket 4289, January 7, 1942]

In the Matter of E. R. Davis, an Individual Trading Under the Name of E. R. Davis Prescription Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before William C. Reeves, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and brief in support of the complaint filed herein; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, E. R. Davis, an individual trading under the name of E. R. Davis Prescription Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his medicinal preparation known as Davis' Formula No. 7895, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's preparation is a cure or remedy for asthma or has any therapeutic value in the treatment thereof, in excess of furnishing temporary relief from the paroxysms of asthma;

(b) That respondent's preparation is a cure or remedy for hay fever, or that it has any substantial therapeutic value in the treatment of such disorder;

(c) That the use of respondent's preparation will prevent attacks of asthma or hay fever, or prevent any recurrence of such attacks;

(2) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof and respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner

[1] 6 F.R. 2182.

and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-384; Filed, January 14, 1942; 11:53 a. m.]

[Docket No. 4466]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ARTHUR JACOBSON

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's system for the treatment of defects of the human eye or conditions resulting therefrom, consisting of devices designated as an "eye tester" and as an "eye adjuster" and the charts and courses of instruction designated as "Better Eyesight System" and as "Training the Eyes to See Correctly", or of any other substantially similar system, devices or courses of instruction, disseminating, etc., any advertisements by means of the United States mails or in commerce or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of his said devices and courses, which advertisements represent, directly or through inference (1) that respondent's devices or courses of instruction are a new or revolutionary system for the treatment of defects of human vision; (2) that the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will eliminate headaches or nervousness, overcome tired feeling, cause the eyes to become clear and strong, enable the user to discard glasses, or result in perfect eyesight; (3) that the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will correct nearsightedness or astigmatism, or eliminate the need of drugs, glasses, or surgery in the treatment of poor eyesight; and (4) that respondent's devices or courses of instruction, either separately or in conjunction with one another, constitute a competent or effective treatment of, or remedy for, defects of vision or conditions resulting therefrom, or have any therapeutic value in the treatment of defects of vision or conditions resulting therefrom in excess of possibly assisting toward the correction of strabismus in cases where the particular exercise recommended is adapted to the needs of the particular case; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Arthur Jacobson, Docket 4466, January 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs filed herein by counsel for the Commission and counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent Arthur Jacobson, an individual, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his system for the treatment of defects of the human eye or conditions resulting therefrom, which system consists of devices designated as an "eye tester" and as an "eye adjuster" and charts and courses of instruction designated as "Better Eyesight System" and as "Training the Eyes to See Correctly," or of any other system, devices, or courses of instruction which are substantially similar in character to the present system, devices, or courses of instruction, whether sold under the same or any other names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That respondent's devices or courses of instruction are a new or revolutionary system for the treatment of defects of human vision;

(b) That the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will eliminate headaches or nervousness, overcome tired feeling, cause the eyes to become clear and strong, enable the user to discard glasses, or result in perfect eyesight;

(c) That the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will correct nearsightedness or astigmatism, or eliminate the need of drugs, glasses, or surgery in the treatment of poor eyesight;

(d) That respondent's devices or courses of instruction, either separately or in conjunction with one another, constitute a competent or effective treatment of, or remedy for, defects of vision or conditions resulting therefrom, or have any therapeutic value in the treatment of defects of vision or conditions resulting therefrom in excess of possibly assisting toward the correction of strabismus in cases where the particular exercise recommended is adapted to the needs of the particular case;

(2) Disseminating, or causing to be disseminated, by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices and courses of instruction, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-383; Filed, January 14, 1942; 11:53 a. m.]

[1] 6 F.R. 1737.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1210, A-1211]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER OF CONSOLIDATION AND GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF ROCK SPRINGS FUEL COMPANY, A CODE MEMBER IN DISTRICT NO. 19, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE PREMIER MINE IN THAT DISTRICT; AND OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 19

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 19; and

It appearing that the issues raised in those petitions are analogous; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be and they hereby are consolidated; and

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 339.5 (*General prices; minimum prices for shipment via rail transportation*) and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 19 for All Ship-

ments Except Truck and for Truck Shipments are amended as follows: (1) to include, within Subdistrict 2 of District No. 19, the Premier Mine (Mine Index No. 19) of code member Rock Springs Fuel Company, located in Sweetwater County, Wyoming; (2) the coals produced at that mine, for shipment via rail transportation from Superior, Wyoming, in Freight Origin Group No. 70, shall take and be subject to the price classifications and minimum prices set forth in § 339.5 in that Schedule, as amended, for the mines of all other code members in Subdistrict 2 of District No. 19; (3) the coals produced at that mine, for truck shipment, shall take and be subject to the following minimum prices in cents per net ton f. o. b. the mine:

Size groups	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	17
Prices	365	365	335	335	335	335	310	290	275	225	210	240	210	185	185	90

and (4) the coals, for truck shipment, produced at the Burn Right Mine (Mine Index No. 228) of code member Franklin C. Andrews in Subdistrict 3 of District No. 19 in Carbon County, Wyoming, shall take and be subject to the following minimum prices in cents per net ton f. o. b. the mine:

Size groups	1	2	3	4	5	6	7	8	9	10	12	13	15	16	17
Prices	300	300	300	300	275	275	275	275	200	175	200	200	150	150	75

No relief is extended herein as to the coals of the Seahorn Mine in Subdistrict 3 of District No. 19 for the reason that it does not appear that Ben A. Seahorn, the proposed operator, has presently obtained a sufficient legal or equitable right or interest in that mine to permit its operation by him.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-375; Filed, January 14, 1942; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 629—PHYSICAL EXAMINATION BY THE ARMED FORCES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by adding thereto a new part reading as follows:

MAKING ARRANGEMENTS FOR PHYSICAL EXAMINATION BY THE ARMED FORCES AND PREPARING NECESSARY FORMS

Sec.

TRANSFER FOR PHYSICAL EXAMINATION

PHYSICAL EXAMINATION BY THE ARMED FORCES

COMPLETING CLASSIFICATION FOLLOWING REPORT OF PHYSICAL EXAMINATION BY THE ARMED FORCES

MAKING ARRANGEMENTS FOR PHYSICAL EXAMINATION BY THE ARMED FORCES AND PREPARING NECESSARY FORMS

§ 629.1 *State Director of Selective Service to arrange for physical examination by the armed forces.* (a) When the Director of Selective Service has received a requisition from either the Secretary of War or the Secretary of the Navy for a number of specified men to report for physical examination by the armed forces, he shall allocate among the States the number of specified men which each State will be required to deliver for such physical examination. He shall then issue, in quadruplicate, an Order on State for Delivery of Men for Physical Examination by the Armed Forces (Form 152). He shall send the original of such order to the proper State Director of Selective Service, forward two copies thereof to the Secretary who issued the requisition, and file the remaining copy.

(b) The State Director of Selective Service, upon receiving the Order on State for Delivery of Men for Physical Examination by the Armed Forces (Form 152), shall confer with the Corps Area Commander (or representative of the Navy or Marine Corps) for the purpose of arranging the details as to the time or times and place or places where the specified men who are selected and ordered to report for physical examination by the armed forces will be delivered.*

*§§ 629.1 to 629.31, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 629.2 *Order on local board to deliver men for physical examination by the armed forces.* After conference with the Corps Area Commander (or representative of the Navy or Marine Corps), the State Director of Selective Service shall issue, in quadruplicate, to each local board concerned an Order on Local Board to Deliver Men for Physical Examination by the Armed Forces (Form 10A). The State Director of Selective Service shall send the original of each such order to the local board concerned, shall forward a copy to the Corps Area Commander (or to the representative of the Navy or Marine Corps), shall forward a copy to the commanding officer at the armed forces examining station concerned, and shall file the remaining copy. These orders shall be numbered consecutively without regard to the service for which the order is issued and should be issued in sufficient time to permit the local board to mail out the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and to allow the specified men a reasonable notice of such order.*

§ 629.3 *Order to appear for physical examination by the armed forces.* (a) Upon receipt of the Order on Local Board to Deliver Men for Physical Examination by the Armed Forces (Form 10A), the local board shall proceed to select the required number of specified men, selecting first those specified men who have volunteered for induction and selecting next the required additional number of specified men according to the sequence of order numbers: *Provided, however,* That any such specified man who has been found to have one or more disqualifying defects on a previous physical examination by the armed forces shall not again be ordered to report for a further physical examination by the armed forces unless the local board, with the assistance of the examining physician, examining dentist, or medical advisory board, has satisfied itself that such defects have been remedied. The local board shall send each specified man selected an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A), which order shall fix the date, time, and place for the specified man to report. Such date will normally be 5 days after the mailing of such order.

(b) An Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) shall be sent only to a specified man classified in Class I-A or Class I-A-O (or Class I-B or Class I-B-O if requested by the armed forces) whose classification is not under consideration on appearance, reopening, or appeal and whose time in which to request an appearance or take an appeal has expired. Class IV-E and Class IV-E-LS registrants shall not be sent to the examining station for the armed forces for physical examination but shall be physically examined as provided in Part 651.

(c) If a registrant classified in Class I-A (1) is engaged in an activity that does not entitle him to a Class II-A or Class II-B deferment but such activity is useful or productive and contributes to the

employment or well-being of the community or the nation and his induction without immediate replacement will cause unnecessary dislocation of such activity, (2) is quarantined because of a communicable disease, (3) is sick, (4) has some temporary ailment, or (5) is awaiting an operation, the local board may postpone the time such registrant shall report for physical examination by the armed forces either before or after the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) has been mailed. The period of postponement shall not exceed 30 days from the date of postponement. One additional postponement, not to exceed 30 days, may be granted, provided imperative cause for such additional postponement is shown.*

§ 629.4 *Checking report of physical examination.* Before the local board mails an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) to a specified man, it shall carefully check the original and all copies of his Report of Physical Examination and Induction (Form 221) to be certain that the portions thereof to be completed by the local board and the examining physician of the local board have been completed.*

§ 629.5 *Record of mailing of order to report for physical examination by the armed forces.* The date of the mailing of the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and the date upon which the registrant reports for physical examination by the armed forces shall be entered on the Classification Record (Form 100) and on the registrant's Selective Service Questionnaire (Form 40).*

§ 629.6 *Preparation of physical examination list.* (a) Before the time set for the selected men to report pursuant to the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A), the local board shall prepare a Physical Examination List (Form 151A), in quadruplicate.

(b) If a selected man fails to report as ordered, his absence shall be noted on the Physical Examination List (Form 151A).

(c) The local board shall forward to the examining station for the armed forces the original and two copies of the Physical Examination List (Form 151A), together with the original and all copies of the Report of Physical Examination and Induction (Form 221) of each selected man delivered. The remaining copy of the Physical Examination List (Form 151A) will be kept by the local board.*

TRANSFER FOR PHYSICAL EXAMINATION

§ 629.11 *Transfer for physical examination by the armed forces.* (a) Any registrant who has received an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and who is so far from his own local board that reporting to his own local board would be a hardship may be transferred for examination by the armed forces to the local board having jurisdiction of the area in which he is at that time located.

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located; present his Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A); and file, in triplicate, a Request for Transfer for Physical Examination by the Armed Forces (Form 208), in which he shall state the circumstances of his absence from his own local board area.

(c) The local board with which such registrant filed his Request for Transfer for Physical Examination by the Armed Forces (Form 208) shall investigate the circumstances of his absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon the original and all copies of the request; mail the original to the registrant's own local board; mail a copy to the registrant who has requested such transfer; and file the remaining copy. Such registrant will then be required to report in accordance with the instructions contained in the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) which he received from his own local board.

(d) If the local board with which such registrant filed his Request for Transfer for Physical Examination by the Armed Forces (Form 208) finds that he has a good reason for his absence from his own local board area, it shall endorse its approval upon the original and all copies of the request; mail the original, via air mail (unless ordinary mail is as expeditious), to the registrant's own local board; mail a copy to the registrant who has requested such transfer; and file the remaining copy.

(e) Immediately upon receipt of the approved Request for Transfer for Physical Examination by the Armed Forces (Form 208), the registrant's own local board shall transfer the registrant, preparing, in duplicate, an order of Transfer of Registrant for Physical Examination by the Armed Forces (Form 209). It shall mail the original to the local board to which the registrant is being transferred for physical examination by the armed forces and file the copy in the registrant's Cover Sheet (Form 53). It shall also mail to the local board to which the registrant is being transferred for physical examination by the armed forces the original and all copies of the Report of Physical Examination and Induction (Form 221).

(f) The local board to which such registrant is transferred for delivery for physical examination by the armed forces shall prepare and mail to the registrant a new Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A).

(g) The local board to which such registrant is transferred shall include the transferred registrant on its Physical Examination List (Form 151A) and shall forward such registrant to the examining station of the armed forces in addition to and not as a substitute for any of its own registrants.

(h) When all of the papers pertaining to such transferred registrant are returned by the examining station of the armed forces, the local board to which such registrant was transferred for physical examination by the armed forces shall forward all such papers to the registrant's own local board.*

PHYSICAL EXAMINATION BY THE ARMED FORCES

§ 629.21 *Registrant to report for and submit to physical examination by the armed forces.* The selected man shall report on the day and at the time and place fixed in the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and shall follow the instructions of the local board as to the manner in which he will be transported or will transport himself to the location where the physical examination will take place. Upon arriving there, he shall appear for and submit to the physical examination by the armed forces. He shall then follow the orders and directions of the local board in returning from the place of physical examination to his home. Where necessary, Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be supplied for men ordered to report for physical examination by the armed forces.*

§ 629.22 *Records returned by examining station for the armed forces.* (a) Each State Director of Selective Service will receive from the officer in charge of the examining station for the armed forces a copy of each Physical Examination List (Form 151A) from local boards within his State.

(b) Each local board delivering men to an examining station for the armed forces will receive from the officer in charge of the examining station the original of the Physical Examination List (Form 151A) and the original and all copies of each man's Report of Physical Examination and Induction (Form 221).

(c) The Physical Examination List (Form 151A) should be returned by the officer in charge of the examining station for the armed forces within 24 hours after completion of the examination. The officer in charge should make the appropriate entries under Item 5.*

COMPLETING CLASSIFICATION FOLLOWING REPORT OF PHYSICAL EXAMINATION BY THE ARMED FORCES

§ 629.31 *Action of local board upon receiving the report of physical examination from the armed forces.* (a) After the Report of Physical Examination and Induction (Form 221) has been returned from the examining station for the armed forces, the following action shall be taken based upon the information contained in Item 65, Section III, of such report:

(1) If in (a) of Item 65 it is indicated that the registrant is physically and men-

tally qualified for general military service, the registrant is acceptable for training and service in the land or naval forces, and the local board clerk should mail him a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(2) If in (b) of Item 65 it is indicated that the registrant will be physically and mentally qualified for general military service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification, but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661. The local board clerk should mail such registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(3) If in (c) of Item 65 it is indicated that the registrant is physically qualified for limited military service only or if in (d) of Item 65 it is indicated that the registrant will be physically qualified for limited military service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen the classification of the registrant and classify him in Class I–B or Class I–B–O.

(4) If in (e), (f), or (g) of Item 65 it is indicated that the registrant is physically, mentally, or otherwise disqualified for military service, the local board shall reopen the classification of the registrant and classify him in Class IV–F.

(5) If in (h) of Item 65 it is indicated that the registrant is physically and mentally qualified for general military service except that the result of his serological test is not negative, the local board will make arrangements for the examining physician to take necessary blood of the registrant for such additional serological tests as may be necessary in order to determine if the blood is truly negative or truly positive. When the local board examining physician has satisfied himself by one or more tests that the blood of the registrant is truly negative or truly positive, he shall so report to the local board. In a doubtful case the local board examining physician may recommend to the local board that the Report of Physical Examination and Induction (Form 221) of the registrant and the laboratory reports on the blood of the registrant be referred to the medical advisory board for its opinion as to whether the registrant's blood is truly negative or truly positive. When the local board is satisfied that the blood of the registrant is truly negative, it shall resubmit the Report of Physical Examination and Induction (Form 221) and the laboratory reports on the blood of the registrant to the examining board of the armed forces for reconsideration and correction of Item 65, Section III, of the Report of Physical Examination and Induction (Form 221). When the examining board of the armed forces indicates in its correction that the registrant is physically and mentally qualified for general military service, the registrant is acceptable for training and service in the land or naval forces, and the local board clerk should mail the registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202). If the blood of the registrant is truly positive, the local board shall not change the classification of the registrant but shall take the necessary steps for the correction of his condition as outlined in part 661. The local board clerk should mail such a registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(b) The local board shall complete Section V of the Report of Physical Examination and Induction (Form 221) by filling in the applicable items. It shall then check pages 1, 2, 3, and 4 through Section V to make certain that all entries have been completed on the original of the Report of Physical Examination and Induction (Form 221) and that all such information has been correctly transcribed on the copies thereof.

(c) When the examining station of the armed forces finds that the registrant is physically and mentally qualified for general military service or that he is physically and mentally qualified for general military service after correction of remediable defects or that he is physically and mentally qualified for general military service except that his serological test is not negative, it will return the original and all copies of the Report of Physical Examination and Induction (Form 221) to the local board. The original and all copies of the Report of Physical Examination and Induction (Form 221) will be retained by the local board in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for induction into the land or naval forces in the manner provided in Part 633.

(d) When the examining station of the armed forces finds that the registrant is physically qualified for limited military service only or that he is physically qualified for limited military service after the satisfactory correction of remediable defects or that he is physically, mentally, or otherwise disqualified for military service, it will retain the Surgeon General's Copy of the Report of Physical Examination and Induction (Form 221) and will return the Armed Forces' Original, the National Headquarters' Copy, and the Local Board's Copy of such report to the local board. The local board shall then file the Armed Forces' Original and the Local Board's Copy in the registrant's Cover Sheet (Form 53) and transmit the National Headquarters' Copy to the State Director of Selective Service, who shall forward such copy to the Director of Selective Service.*

LEWIS B. HERSHEY,
Director.

JANUARY 12, 1942.

[F. R. Doc. 42-346; Filed, January 13, 1942; 2:57 p. m.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning a new number to and changing the context of paragraph 365*d*; by adding five new sections; and by publishing such renumbered and amended paragraph and the five new sections as the sections of Part 651 of the Second Edition of the Selective Service Regulations:

Paragraph 365*d* as amended becomes § 651.1.
New section, § 651.2.
New section, § 651.3.
New section, § 651.4.
New section, § 651.5
New section, § 651.6.

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

SELECTION OF CLASS IV–E REGISTRANTS FOR FINAL-TYPE PHYSICAL EXAMINATION AND PREPARATION OF NECESSARY FORMS

Sec.

REFERENCE FOR FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

FINAL-TYPE PHYSICAL EXAMINATION FOR CLASS IV–E REGISTRANTS

COMPLETING CLASSIFICATION FOLLOWING FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

SELECTION OF CLASS IV–E REGISTRANTS FOR FINAL-TYPE PHYSICAL EXAMINATION AND PREPARATION OF NECESSARY FORMS

§ 651.1 *Selection of registrants for assignment to work of national importance.* Every registrant who is classified in Class IV–E (or in Class IV–E-LS if and when Class I–B and Class I–B–O registrants are ordered to report for physical examination by the armed forces), before he is assigned to work of national importance under civilian direction, shall be given a final-type physical examination for registrants in Class IV–E. Each such registrant shall be ordered to report for such examination when his order number is reached in the process of selecting Class I–A and Class I–A–O registrants (or Class I–B and Class I–B–O registrants if and when such registrants are being selected) to report to the armed forces for physical examination, provided his classification is not under consideration on appearance, reopening, or appeal, and the time in which he is entitled to request an appearance or take an appeal has expired.*

*§§ 651.1 to 651.31, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 651.2 *Ordering Class IV–E registrants to report for final-type physical exami-*

nation. (a) When the order number of a registrant placed in Class IV–E (or Class IV–E–LS) has been reached under the circumstances set out in § 651.1, the local board shall mail to the registrant a Notice to Registrant to Appear for Physical Examination (Form 201). The Notice to Registrant to Appear for Physical Examination (Form 201) shall indicate that the registrant is to report for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) and shall fix the date, time, and place for the registrant to report for such final-type physical examination. Such date will normally be 5 days after the date of mailing such notice.

(b) On the day and at the time and place fixed in the Notice to Registrant to Appear for Physical Examination (Form 201), the registrant shall appear before the local board examining physician and submit to final-type physical examination for registrants in Class IV–E (or Class IV–E–LS).

(c) If a registrant classified in Class IV–E (or Class IV–E–LS) (1) is engaged in an activity that does not entitle him to a Class II–A or Class II–B deferment but such activity is useful or productive and contributes to the employment or well-being of the community or the nation in such a manner that his assignment to work of national importance under civilian direction without immediate replacement will cause unnecessary dislocation of such activity, (2) is quarantined because of a communicable disease, (3) is sick, (4) has some temporary ailment, or (5) is awaiting an operation, the local board may postpone the time such registrant shall report for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS), either before or after the Notice to Registrant to Appear for Physical Examination (Form 201) has been mailed. The period of postponement shall not exceed 30 days from the date of postponement. One additional postponement, not to exceed 30 days, may be granted provided imperative cause for such additional postponement is shown.*

§ 651.3 *Preparing report of physical examination.* (a) Before the local board mails to the registrant a Notice to Registrant to Appear for Physical Examination (Form 201), it shall carefully check the original and all copies of his Report of Physical Examination and Induction (Form 221) to be certain that all necessary entries have been made on the first page thereof.

(b) The local board shall deliver the registrant's prepared original Report of Physical Examination and Induction (Form 221) to the local board examining physician before the date on which the registrant is to appear for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS). The copies will all be retained in the registrant's Cover Sheet (Form 53) by the local board.

(c) The date of mailing of the Notice to Registrant to Appear for Physical Examination (Form 201) and the date on which the registrant reports for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) shall be entered on the Classification Record (Form 100) and on the registrant's Selective Service Questionnaire (Form 40).*

REFERENCE FOR FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

§ 651.11 *Procedure for referring Class IV–E registrants to another local board for final-type physical examination.* A registrant in Class IV–E (or Class IV–E–LS) may be referred to another local board for final-type physical examination only for the reasons set forth in § 623.41 and by the procedure set forth in § 623.42, except that each form used in making such reference shall indicate that the registrant is being referred for the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) and that the final-type physical examination conducted shall be in accordance with § 651.21.*

FINAL-TYPE PHYSICAL EXAMINATION FOR CLASS IV–E REGISTRANTS

§ 651.21 *Class IV–E registrant to be examined under MR 1–9 by local board examining physician.* (a) The physical standards governing the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) shall be those applicable to physical examinations conducted at the examining station for the armed forces, as set forth in MR 1–9.

(b) The local board examining physician shall conduct the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) in accordance with instructions issued by the Director of Selective Service.

(c) The local board examining physician shall fill in the Physical Examination Results in Section III of the Report of Physical Examination and Induction (Form 221), and if he finds the registrant to be qualified for general service and has entered the registrant's name in (a) or (b) of Item 65 of Section III, he shall fill out Section IV of the Report of Physical Examination and Induction (Form 221).

(d) The local board examining physician shall report to the local board any information coming to his attention which might indicate that a registrant is malingering (*see* § 623.34). In such a case the local board will follow the procedure outlined in § 623.34, and the Director of Selective Service may, if he sees fit, waive the defect and order that the registrant be assigned to work of national importance under civilian direction.*

COMPLETING CLASSIFICATION FOLLOWING FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

§ 651.31 *Action of local board following final-type physical examination of Class IV–E registrants.* (a) After the Report of Physical Examination and Induction (Form 221) has been returned from the examining physician, the following action shall be taken based upon the information contained in Item 65, Section III, of such report:

(1) If in (a) of Item 65 it is indicated that the registrant is physically and mentally qualified for general service, he is acceptable for work of national importance under civilian direction, and the local board clerk should notify him of the result of the final-type physical examination for registrants in Class IV–E.

(2) If in (b) of Item 65 it is indicated that the registrant will be physically and mentally qualified for general service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661. The local board clerk should notify such registrant of the result of the final-type physical examination for registrants in Class IV–E.

(3) If in (c) of Item 65 it is indicated that the registrant is physically qualified for limited service only or if in (d) of Item 65 it is indicated that the registrant will be physically qualified for limited service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen his classification and classify him in Class IV–E–LS.

(4) If in (e), (f), or (g) of Item 65 it is indicated that the registrant is physically, mentally, or otherwise disqualified for service, the local board shall reopen his classification and classify him in Class IV–F.

(5) If in (h) of Item 65 it is indicated that the registrant is physically and mentally qualified for general service in work of national importance under civilian direction except that the result of his serological test is not negative, the local board will make arrangements for the examining physician to take such additional blood of the registrant as may be necessary for additional serological tests in order to determine if the blood is truly negative or truly positive. In a doubtful case the local board examining physician may recommend to the local board that the Report of Physical Examination and Induction (Form 221) and the laboratory reports on the blood of the registrant be referred to the medical advisory board for its opinion as to whether the registrant's blood is truly negative or truly positive. When the local board examining physician is satisfied that the blood of the registrant is truly negative, he will correct Item 65, Section III, of the Report of Physical Examination and Induction (Form 221) to show that the registrant is physically and mentally qualified for work of national importance under civilian direction. When such correction is made, the registrant is acceptable for work of national importance under civilian direction and the local board clerk should notify him of the result of the final-type physical examination for registrants in Class IV–E. If the blood of the registrant is truly positive, the local board shall not change the classification of the registrant but shall take the necessary steps for the correction of his condition as outlined in Part 661. The local board clerk should notify such registrant of the result of the final-type physical examination for registrants in Class IV–E.

(b) The local board shall complete Section V of the Report of Physical Examination and Induction (Form 221) by

filling in the applicable items. It shall then check pages 1, 2, 3, and 4 through Section V to make certain that all entries have been completed on the original of the Report of Physical Examination and Induction (Form 221) and that all such information has been correctly transcribed on the copies thereof.

(c) When the local board examining physician on final-type physical examination of a registrant in Class IV–E finds that the registrant is physically and mentally qualified for general service in work of national importance under civilian direction, or will be physically and mentally qualified for general service in work of national importance under civilian direction after correction of remediable defects, or is physically and mentally qualified for general service in work of national importance under civilian direction except that his serological test is not negative, the original and all copies of the Report of Physical Examination and Induction (Form 221) will be retained by the local board in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for work of national importance under civilian direction in the manner provided in Part 652.

(d) When the local board examining physician on final-type physical examination of a registrant in Class IV–E finds that the registrant is physically qualified for limited service only in work of national importance under civilian direction, or that he is physically qualified for limited service in work of national importance under civilian direction after the satisfactory correction of remediable defects, or that he is physically, mentally, or otherwise disqualified for service in work of national importance under civilian direction, the local board shall transmit the Surgeon General's Copy and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) of each such registrant to the State Director of Selective Service, who shall forward both copies to the Director of Selective Service. The local board shall file the Armed Forces' Original and the Local Board's Copy of the Report of Physical Examination and Induction (Form 221) in the registrant's Cover Sheet (Form 53).*

LEWIS B. HERSHEY,
Director.

JANUARY 12, 1942.

[F. R. Doc. 42-347; Filed, January 13, 1942; 2:57 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1023—JEWEL BEARINGS

Conservation Order No. M–50 To Conserve the Supply and Direct the Distribution of Jewel Bearings and Jewel Bearing Material

Whereas National Defense requirements have created a shortage of Jewel Bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of Jewel Bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of Jewel Bearings and Jewel Bearing Material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered, That:

§ 1023.1 *Conservation Order No. M–50*—(a) *Definitions.* For the purpose of this Order:

(1) "Jewel Bearing Material" means any natural or synthetic sapphire or ruby of industrial quality or any other material of similar chemical composition and physical properties.

(2) "Jewel Bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs.

(3) "Large Ring Jewel Bearing" means any round disk made from jewel bearing material and which has a diameter greater than 0.040 inch, and a thickness greater than 0.016 inch, and which has a hole pierced through it of a diameter greater than 0.016 inch.

(4) "Vee Jewel Bearing" means any round disk made from Jewel bearing material and which has a conically shaped cavity cut into one of the flat surfaces.

(5) "Supplier" means any person who engages in the importation, manufacture or processing of jewel bearings or jewel bearing material.

(6) "Manufactured" means fabricated or processed in any manner.

(b) *Restrictions on the sale, purchase and use of jewel bearings and jewel bearing material after March 1, 1942.* On and after March 1, 1942, each supplier is hereby directed to set aside his entire stock of jewel bearings and his entire stock of jewel bearing material as a reserve for the fulfillment of present and future defense orders and such other orders and uses as may be authorized from time to time by the Director of Priorities. No deliveries or withdrawals shall be made from this reserve either for customers of such supplier or for purposes of manufacture or process by such supplier except pursuant to specific directions hereafter issued by the Director of Priorities. Not later than March 1, for the month of March, 1942, and thereafter prior to the first day of each subsequent calendar month, the Director of Priorities will issue to each supplier a monthly allocation schedule covering the use of jewel bearings by such supplier and deliveries of jewel bearings which may be made by such supplier to his customers during such month, and further directing the kinds and quantities of jewel bearing material which may be delivered, manufactured or processed by such supplier. The use, process to final product and delivery by such supplier of jewel bearings and jewel bearing material shall be made as directed in such monthly allocation schedules.

(c) *Restrictions on the sale, purchase and use of jewel bearings and jewel bearing material until March 1, 1942.* (1) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this Order and until March 1, 1942, no person shall sell, purchase, transfer, deliver or receive (including deliveries and receipts under toll agreements) jewel bearings of any type or description manufactured within the United States of America, its territories and possessions, except jewel bearings to be delivered under a defense order bearing a preference rating of A–1–j or higher.

(2) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this order and until March 1, 1942, no person shall use large ring jewel bearings in the manufacture of any article other than articles to be delivered under a defense order bearing a preference rating of A–1–j or higher.

(3) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this Order and until March 1, 1942, no person shall use Vee jewel bearings in the manufacture of any article other than articles to be delivered under a defense Order bearing a preference rating of A–1–j or higher.

(d) *Reports.* (1) Each supplier shall file with the Office of Production Management, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–235.

(2) Any person using jewel bearings in the manufacture of any article shall file with the Office of Production Management, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–236.

(e) *Miscellaneous provisions.* (1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

Office of Production Management
Washington, D. C. Ref: M–50

(3) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept on information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(4) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6

F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-356; Filed, January 14, 1942; 10:46 a. m.]

PART 1041—PRODUCTION, REFINING, TRANSPORTATION, AND MARKETING OF PETROLEUM

Preference Rating Order No. P-98

§ 1041.1 *Preference Rating Order P-98.* For the purpose of facilitating the acquisition of Material for the Production, Refining, Transportation and Marketing of Petroleum, preference ratings are hereby assigned to deliveries of necessary Material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Production" means the discovery, development and depletion of Petroleum Pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(4) "Refining" means the operation of a plant or plants, other than those specified in paragraph (a) (3), for the production of finished or unfinished Petroleum (including but not limited to hydrocarbon oils or gases).

(5) "Transportation" means. (i) Except in the case of natural gas, the operation of all Petroleum terminal and terminal storage facilities and the operation of all pipe lines and stationary gathering systems for the transportation of Petroleum from facilities where Petroleum is first gauged to any Refining facility and from any Refining facility to any Marketing facility; and

(ii) In the case of natural gas, the operation of all pipe lines and stationary gathering systems for the transportation of natural gas from the wellhead connection to the initial input meter on any trunk pipe line or to any facility for the processing of natural gas by means of a natural gasoline extraction plant, cycling plant, dehydration plant, or desulphurization plant and the transportation of natural gas from any such processing facility to the first gate valve on the discharge side thereof.

(6) "Marketing" means the operation of all stationary facilities, other than those specified in paragraph (a) (5), for the distribution of Petroleum (not including natural gas) to service stations or to consumers, including without limitation service stations, substations, bulk plants, warehouses, and wholesale depots.

(7) "Petroleum enterprise" means any facility used in the Production, Refining, Transportation or Marketing of Petroleum.

(8) "Operator" means any Person engaged in operating a Petroleum Enterprise.

(9) "Supplier" means any Person with whom a contract or purchase order has been placed for delivery of Material which such Supplier has not in whole or in part manufactured, processed, assembled or otherwise physically changed and which is to be used in a Petroleum Enterprise.

(10) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(11) Subject to subparagraph (14), "Maintenance" means the minimum quantity of Material necessary to maintain the sound working condition of equipment used by an Operator in and essential to the operation of a Petroleum Enterprise.

(12) Subject to subparagraph (14), "Repair" means the restoration of an Operator's property or equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(13) Subject to subparagraph (14), "Operating supplies" means any material which is essential to and consumed in the operation of a Petroleum Enterprise and which is generally charged to the operating expense account of an Operator: *Provided,* That the term "Operating supplies" shall not include:

(i) Material which is physically incorporated in whole or in part into any product of an Operator (other than reagents, additives or compounding Material) or into any Material which an Operator manufactures, distributes, sells, stores, or transports; or

(ii) Any Material which is to be used as a fuel; or

(iii) Any non-ferrous Material which is to be used as packaging supplies.

(14) The terms "Maintenance", "Repair", and "Operating supplies" do not include Material:

(i) For the replacement of an item carried on the Operator's books as a fixed asset; or

(ii) For the improvement of an Operator's property or equipment through the replacement of Material in the existing installation, unless the property or equipment which is replaced is beyond economic Repair or has been rendered unusable by fire or other hazard or natural cause and is scrapped or junked by the Operator effecting the replacement; or

(iii) For additions to or expansion of an Operator's property or equipment; or

(iv) Which is of a type which could not be carried on an operator's books under "Maintenance", "Repair", "Operating Supplies" or the equivalent in the Operator's established method of bookkeeping.

(15) Subject to subparagraph (16), "Alterations" means any change in the physical arrangements of an existing facility used in Refining or Transportation which is made for the purpose of increasing the operating efficiency of such facility and which does not involve an expenditure of more than one thousand dollars for Material.

(16) The term "Alterations" does not include:

(i) Material to be used as "Maintenance", "Repair", or "Operating Supplies"; or

(ii) Any change in the physical arrangements of an existing facility in which the amount of Material necessary to effect a proper Alteration would ordinarily involve an expenditure of greater than one thousand dollars or in which an ordinary Alteration in the facility has been subdivided for the purpose of making available to an Operator the provisions of subparagraph (15).

(17) "Exploratory well" means any well located not less than two miles from any well capable of producing Petroleum.

(18) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Assignment of preference ratings.* Subject to the terms of this Order and of any Conservation Order issued by the Director of Priorities, the following preference ratings are hereby assigned to deliveries to an Operator and to his Suppliers of Material required for use in a Petroleum Enterprise:

(1) *Production.* (i) A-1-e to deliveries of material, to an Operator engaged in Production, which is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool or part thereof by means of geological, geophysical or geochemical prospecting.

(ii) A-2 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively for carrying out by means of an existing research laboratory investigations into more efficient or more effective methods of conducting Production operations.

(iii) A-2 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool by means of the drilling and completion of any Exploratory Well, including but not limited to the drilling of "slim holes."

(iv) A-8 to deliveries of Material, to an Operator engaged in Production, which is to be used for the Maintenance or Repair of the Operator's property or equipment or which is required as Operating Supplies.

(v) A-8 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively in the development and depletion of any Pool, including but not limited to Material to be used in facilities necessary to or incorporated in well drilling or well completion operations; pumping or other ar-

tificial lifting operations; oil treating operations; salt water disposal or injection operations; artificial water drive, gas drive, or air drive operations; or primary gas cycling or pressure maintenance operations.

(2) *Refining.* (i) A–1–a to deliveries of Material, to an Operator engaged in Refining, which is to be used for the Repair of the Operator's property or equipment when there has been an actual breakdown or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(ii) A–1–c to deliveries of that minimum quantity of Material, to an Operator engaged in Refining, which is necessary to make reasonable advance provisions for averting an actual breakdown or suspension of operations.

(iii) A–2 to deliveries of the following Materials, to an Operator engaged in Refining, which are required as Operating Supplies: acetone, activated alumina, activated silica jell, aluminum paste, aluminum powder, aluminum chloride, ammonia, carbon tetrachloride, chlorine, copper sulphate, crysallic acid, dichlorethyal ether, diethanolamine, ethylene dichloride, foamite, glycerine, hydrachloric acid, hydrofluoric acid, mercury, metal deactivator, (including orthocresol), methalbutal ketone, methalethyal ketone, methyl alcohol, nitro benzine, phenol, phosphoric acid, potassium bichromade, sodium hypochlorite, toluene, triethanol amine, tripotassium phosphate, trisodium phosphate, and zinc chloride.

(iv) A–2 to deliveries of Material, to an Operator engaged in Refining, which is to be used exclusively in carrying out by means of an existing research laboratory investigations into more efficient or more effective methods of conducting Refining operations.

(v) A–8 to deliveries of Material, to an Operator engaged in Refining, which is required as Operating Supplies, other than Material acquired as Operating Supplies as specified in paragraph (b) (2) (iii).

(vi) A–8 to deliveries of Material, to an Operator engaged in Refining, which is to be used for the Maintenance or Repair of the Operator's property or equipment, other than Material acquired for Maintenance or Repair purposes as specified in paragraph (b) (2) (i) or (b) (2) (ii).

(vii) A–8 to deliveries of Material, to an Operator engaged in Refining, which is to be used in effecting Alterations.

(3) *Transportation.* (i) A–2 to deliveries of Material, to an Operator engaged in Transportation, which is to be used for the Repair of the Operator's property or equipment when there has been an actual break-down or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(ii) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is to be used for the Maintenance or Repair of the Operator's property or equipment, other than Material acquired for Maintenance or Repair purposes as specified in paragraph (b) (3) (i).

(iii) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is required as Operating Supplies.

(iv) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is to be used in effecting Alterations.

(4) *Marketing.* (i) A–9 to deliveries of Material, to an Operator engaged in Marketing, which is to be used for the Maintenance or Repair of the Operator's property or equipment.

(ii) A–10 to deliveries to an Operator engaged in Marketing of Material required as Operating Supplies.

(c) *Persons entitled to apply preference ratings.* The Preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) Any Operator.

(2) Any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (e): *Provided, however,* That no Supplier may apply a rating to deliveries of Material which such Supplier will himself process or physically change.

(d) *Restrictions on use of ratings*— (1) *Restrictions on operator.* No Operator may apply a rating:

(i) to obtain scarce Material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design; or

(ii) to obtain Material in greater quantities or on earlier dates than required to enable him to fulfill the authorized purposes for which the rating is assigned; or

(iii) to obtain Material in excess of a minimum practicable inventory of such Material. Except as provided in paragraph (d) (2), such minimum practicable inventory shall in no event exceed the amount of such Material in inventory or stores on December 31, 1940, (or, at the purchaser's option, on the last day of taking inventory during 1940) increased (in no event to exceed an increase of 10%) or diminished in proportion as the purchaser's operations necessitating the use of such Material have increased or diminished; or

(iv) to obtain Material for any use which is restricted, prohibited or in any way limited by any Order issued by the Director of Priorities, other than Material to be used in conformity with the provisions of such Order.

(2) From time to time the Director of Priorities may determine that any Operator or class of Operators is exempt, in whole or in part, from the restrictions contained in paragraph (d) (1) (iii).

(3) *Restrictions on suppliers.* (i) No Supplier may apply a rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of paragraph (d) (3) (ii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a minimum practicable working inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier, in restoring his inventory to a minimum practicable working inventory, may defer applications of the ratings hereunder to purchase orders or contracts for such Material to be placed by him until such time as he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the applications of the rating for more than three months after he becomes entitled to apply such rating.

(e) *Application of preference ratings.* (1) The Operator or any Supplier in order to apply a preference rating to deliveries of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material, manually signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Material for [state purpose] ------, rating in ------ accordance with paragraph ------, authorized by Preference Rating Order F–98, with the terms of which I am familiar.

Legal Name of Operator or Supplier

Signature of Designated Official

Such endorsement shall constitute a representation to the Office of Production Management and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance with all the provisions and limitations of this Order. Such Supplier shall be entitled to rely on such representation, unless he knows, or has reason to believe, it to be false. Any such purchase order or contract will be restricted to Material the delivery of which is rated in accordance herewith.

(2) In addition to the requirements of paragraph (e) (1), the Operator, (but not a Supplier) in order to apply the preference ratings assigned by paragraphs (b) (1) (i), (b) (2) (i), (b) (2) (ii), (b) (2) (iii) and (b) (3) (i), must communicate with the Office of Petroleum Coordinator, Washington, D. C., Ref: F–98, supplying in detail the following information:

(i) date of actual breakdown or suspension of operations (if applicable);

(ii) the equipment to be repaired and its operating importance (if applicable);

(iii) the Material and quantity thereof necessary to effectuate the Repair or to initiate or maintain operations;

(iv) the supply of the necessary Material which the Operator has on hand or available; and

(v) the names and addresses of Suppliers from whom the Material is to be obtained and the earliest delivery dates assured by any such Supplier for deliv-

ery of the minimum necessary quantity of Material.

The Director of Priorities will notify the Operator whether, and to what extent, the application is approved. A copy of such notification shall be furnished by the Operator to any Supplier to evidence the proper rating granted pursuant to the provisions of this Order.

(3) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier), in order to apply the preference ratings assigned by paragraphs (b) (1) (ii), (iii), (iv) or (v); (b) (2) (iv), (v), (vi) or (vii); (b) (3) (ii), (iii) or (iv); or (b) (4) (i) or (ii), must obtain the countersignature of the Director in Charge of the nearest District Office of the Office of Petroleum Coordinator upon the purchase order which such Operator has endorsed and signed pursuant to paragraph (e) (1).

(f) *Restrictions on use of material obtained under a rating.* When an Operator has applied a rating authorized by this Order, he must use the Material delivered pursuant to the rating, or an equivalent amount of Material, for the purpose stated in his endorsement pursuant to paragraph (e). In no event shall any Operator use Material delivered to him pursuant to a preference rating assigned by this Order in violation of the provisions of any Conservation Order issued by the Director of Priorities.

(g) *Exception of operators from provisions of Preference Rating Orders Nos. P–43 and P–100.* No Operator engaged in operating a Petroleum Enterprise shall be entitled to apply the preference rating assigned by Preference Rating Orders Nos. P–43 or P–100, and no such Operator shall be subject to the provisions of such Orders.

(h) *Preference rating assistance other than that granted by the terms of this order.* Any Operator engaged in operating a Petroleum Enterprise may request preference rating assistance for deliveries of Material to him by filing with the Office of Petroleum Coordinator applications for preference rating assistance on any appropriate preference rating or project rating application form issued pursuant to the authority of the Director of Priorities.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Operator and each Supplier receiving any purchase order or contract rated hereunder shall each retain for a period of at least two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(j) *Communications to Office of Petroleum Coordinator.* All reports which may be required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

Office of Petroleum Coordinator
Washington, D. C. Ref: P–98

(k) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Operator or Supplier. In the event of revocation, deliveries already rated pursuant to the provisions of this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by any Operator or Supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(n) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until February 28, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Director of Priorities.

[F. R. Doc. 42–357; Filed, January 14, 1942; 10:47 a. m.]

PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

Amendment No. 1 to Conservation Order M–68

Section 1047.1 (*Conservation Order M–68*[1]) is hereby amended to read as follows:

§ 1047.1 *Conservation Order M–68*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Production" means the discovery, development, and depletion of Petroleum Pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any Person engaged in Production.

[1] 6 F.R. 6687.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Exploratory well" means any well located not less than two miles from any well capable of producing Petroleum.

(7) "Condensate field" means any condensate, distillate, naphtha, or retrograde Pool or Pools in which the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions or any gas-cap Pool in which commercial oil occurs in the liquid phase and in which there exist a gas-cap or gas-caps of an appreciable size having the essential characteristics of a condensate Pool.

(8) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Conservation of material used in production.* Subject to the exceptions in paragraph (c) hereof, no Operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use Material for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in Production. Subject to the exceptions in paragraph (c) hereof, no Person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such use.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not apply in the following instances:

(1) To any case where Material is to be used by an Operator for the Maintenance or Repair of the Operator's property or equipment or is required as Operating Supplies, as these terms are defined in Preference Rating Order P–98.

(2) To any case where Material is to be used by an Operator exclusively for carrying out by means of an existing research laboratory investigations into more efficient or effective methods of conducting Production operations.

(3) To any case where Material is to be used by an Operator exclusively for operations directly involved in the search for and discovery of a previously unknown Pool by means of geological, geophysical or geochemical prospecting or the drilling or completion of any Exploratory Well.

(4) To any case where Material is to be used by an Operator exclusively for carrying out secondary recovery operations by means of artificial water drive, gas drive, or air drive operations, but not including Material to be used in Production operations by means of primary gas cycling or pressure maintenance.

(5) To any case where Material is to be used by an Operator for lease equipment, including oil treating equipment and salt water disposal or injection equipment, but not including Material to be

used for pumping or other artificial lifting equipment.

(6) To any case where Material is to be used by an Operator for pumping, or other artificial lifting equipment to be installed on a well located on any single lease or tract in any field on which lease or tract the number of wells to which pumping or other artificial lifting equipment has been or is to be attached does not at any time exceed an average of one well to every 10 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field; or to any case where Material is to be used by an Operator for pumping or other artificial lifting equipment to be installed on a well located on any single lease or tract of 10 acres or less in any field on which lease or tract no other wells are located to which pumping or other artificial lifting equipment is attached.

(7) To any case where Material is to be used by an Operator to drill, complete, or provide additions to any well in any discovered or undiscovered oil field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 40 surface acres: *Provided,* That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 40 acre area surrounding such designated drilling location.

(8) To any case where Material is to be used by an Operator to drill, complete, or provide additions to any well in any discovered or undiscovered natural gas field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 640 surface acres: *Provided,* That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 640 acre area surrounding such designated drilling location.

(9) To any case where Material is to be used by an Operator to complete or provide surface connections for any well in any discovered or undiscovered oil or gas field or Condensate Field where such well has actually been "spudded" on or before December 23, 1941.

(10) To any case where the Director of Priorities, Office of Production Management, has determined that construction, reconstruction, expansion, remodeling, replacement, or improvement of any facility used in Production is as to any Operator or as to any field, fields or area necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-214a, O.P.C. Form PD-214b, or O.P.C. Form PD-214c, issued by the Office of Petroleum Coordinator.

(d) *Restriction on subdivision.* No single lease or tract existing as such as of the effective date of this Order shall be subdivided or otherwise rearranged for the purpose of making available to any Person the provisions of paragraph (c) (6).

(e) *Violations.* Any Person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable Preference Rating Order without further restrictions unless such deliveries have been specifically restricted.

(g) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(h) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-354; Filed, January 14, 1942; 10:46 a. m.]

PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

Conservation Order M-68-c

Whereas the Congress of the United States has declared a "state of war between the United States and the Imperial Japanese Government," and has further adopted Joint Resolutions "declaring that a state of war exists between" the Government of Germany and the Government of Italy "and the Government and people of the United States"; and

Whereas the prosecution of this war requires the immediate increased use in emergency activities of vast quantities of steel, non-ferrous metals, rubber, and other critical materials; and

Whereas it is imperative, in the public interest and to prosecute the war effort, to conserve the supply of such materials and direct the distribution thereof into vital emergency operations; and

Whereas conservation of material by means of the restrictions hereinafter ordered on the use of such material in the marketing of petroleum is necessary in order to maintain the distribution of petroleum and petroleum products to the military and naval forces and to certain essential defense facilities;

Now, therefore, it is ordered, That:

§ 1047.4 *Conservation Order M-68-c*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Marketing" means the operation of all stationary facilities, other than Petroleum terminal and terminal storage facilities, for the distribution of Petroleum (not including natural gas) to service stations or to consumers, including without limitation service stations, substations, bulk plants, warehouses, and wholesale depots.

(3) "Petroleum" means petroleum, petroleum products and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any Person engaged in Marketing.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(b) *Conservation of material used in marketing.* Subject to the exceptions in paragraph (c) hereof, no Operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use Material for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in Marketing. Subject to the exceptions in paragraph (c) hereof, no Person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such use.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not apply in the following instances:

(1) To any case where Material is to be used by an Operator for the Maintenance or Repair of the Operator's property or equipment or is required as Operating Supplies, as these terms are defined in Preference Rating Order P-98.

(2) To any case where prior to the effective date of this Order actual physical work of construction, reconstruction, expansion, remodeling, replacement, or improvement has commenced at the location, or upon equipment then at the location, of any facility used in Marketing: *Provided,* That the work of construction, reconstruction, expansion, remodeling, replacement, or improvement must be scheduled for completion and actually completed within 60 days subsequent to the effective date of this Order.

(3) To any case where the Director of Priorities, Office of Production Management, has determined that construction,

reconstruction, expansion, remodeling, replacement, or improvement of any facility used in Marketing is necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-215, issued by the Office of Petroleum Coordinator.

(d) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(e) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable Preference Rating Order without further restrictions, unless such deliveries have been specifically restricted.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(g) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Director of Priorities.

[F.R. Doc. 42-355; Filed, January 14, 1942; 10:46 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 2 OF PRICE SCHEDULE NO. 15—COPPER [1]

The preamble and §§ 1309.51 to 1309.60, inclusive, are hereby amended and renumbered so that Price Schedule No. 15 shall read as follows:

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper is a basic material for the production of many defense products and as such has been subjected to a method of complete control of its distribution by a General Preference Order of the Office of Production Management, No. M-9-a, effective August 2, 1941. In order to equalize the price to all consumers under that preference order and in the interest of national defense and of the public, the establishment of maximum prices for copper is necessary. On the basis of information furnished by the Trade and secured by independent investigation by the Office of Price Administration, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.51 *Maximum prices for copper.* (a) On and after February 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1309.53 of this chapter, no person shall sell, offer to sell, deliver or transfer copper and no person shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1309.60: *Provided*, That any person may sell, offer to sell, deliver or transfer copper to Metals Reserve Company or any other government department, agency or corporation previously approved in writing by the Office of Price Administration, and Metals Reserve Company or any other government department, agency or corporation so approved by the Office of Price Administration, may buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in § 1309.60.

(b) Except as otherwise provided in § 1309.60, the prices established by this Schedule are delivered prices at the buyer's place of business and are gross prices before the deduction of any discounts and include all commissions.*

*§§ 1309.51 to 1309.60, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.52 *Less than maximum prices.* Lower prices than those set forth in § 1309.60 may be charged, demanded, paid or offered.*

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by this Schedule may make application, upon forms available upon request, to the Office of Price Administration for permission to carry out such contract or commitment at the contract price. Such permission will be granted only:

(a) Where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941, at a price not more than ½¢ per pound in excess of the maximum prices established by this Schedule, and where such firm commitment is actually carried out prior to December 31, 1941, or such later date as may be permitted in each case upon application to the Office of Price Administration, or

(b) Where the applicant is a dealer, the permission is necessary to protect the applicant against loss, the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.*

§ 1309.54 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding or otherwise.*

§ 1309.55 *Records and reports.* Every person making purchases or sales of copper after August 12, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and

(b) The quantity, in pounds or tons, of copper (1) on hand, and (2) on order, as of the close of each calendar month. Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper, or of the hoarding or accumulating of un-

[1] Revised to February 1, 1942.

necessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.57 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1309.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, corporation, association, partnership, or other business entity.

(b) "Copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material, or scrap.

(c) "Carload lot" means the minimum quantity of copper required to obtain railroad carload rates from the point of shipment to the point of destination.

(d) "Dealer" means a person who receives physical delivery of copper and sells or holds the same for resale without change in form.*

§ 1309.59 *Effective date of the Schedule.* This Schedule, as amended, shall become effective February 1, 1942. Deliveries of copper made prior thereto shall be governed by the terms of this Schedule which were in effect on the date of such delivery.* [1]

§ 1309.60 *Appendix A; maximum prices—(a) Maximum base prices for copper, except casting copper, sold by a refiner or producer.*

Amount of shipment	*Price*
Carload	12¢ per pound delivered Connecticut Valley points.
Less than carload	12⅛¢ per pound f. o. b. refinery.

These maximum base prices are for electrolytic, lake or other fire refined copper in the shape of wire bars or ingot bars made to meet either the American Society of Testing Materials Standard specifications B 5–27 for electrolytic copper or B 4–27 for lake copper and sold by a refiner or producer.

(b) *Maximum base prices for casting copper.*

Amount of shipment	*Price (f. o. b. shipping point)*
More than 20,000 pounds	11¾¢ per pound.
Less than 20,000 pounds	12¢ per pound.

These maximum base prices are for casting copper in the shape of ingot bars or small ingots made by fire refining to a standard of 99.5 per cent pure including silver as copper.

(c) *Differentials for copper of other kinds or grades or in other shapes or forms.* For copper of any other kind or grade or in any other shape or form than that set forth in paragraph (a) or (b) of this section, the maximum price shall be the applicable maximum base price set forth in paragraph (a) or (b) of this section plus or minus the premium or discount for copper of such kind or grade, or in such shape or form which would customarily have been added to or subtracted from the base price on August 11, 1941.

(d) *Differentials for delivery of copper in carload lots at points other than Connecticut Valley points.* For copper, except casting copper, delivered in carload lots at any point other than a Connecticut Valley point the maximum price shall be the maximum base price set forth in paragraph (a) of this section, as adjusted pursuant to paragraph (c) of this section, plus or minus the delivery differential which on August 11, 1941 would customarily have been added to or subtracted from the base price.

The same delivery differentials shall apply to lake or other fire refined copper, except casting copper, as were applied to electrolytic copper on August 11, 1941.

(e) *Premiums on sales of copper in less than carload lots by other than refiners or producers.* Sales of copper in less than carload lots by other than a producer or refiner may be made f. o. b. shipping point but the maximum price f. o. b. shipping point shall not exceed the maximum base price as set forth in paragraph (a) of this section, after the adjustments for the kind or grade, shape or form and delivery differentials provided for in paragraphs (c) and (d) of this section, plus the applicable one of the following quantity premiums:

Quantity	*Price per pound*
0–499 pounds	2¢
500–999 pounds	1½¢
1000–4999 pounds	1¢
5000 pounds to carload	¾¢

The premiums provided in this subsection shall not apply to casting copper.

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–350; Filed, January 13, 1942; 4:04 p. m.]

PART 1355—LEAD

PRICE SCHEDULE NO. 69—PRIMARY LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Military and essential civilian demands upon the supply of lead have become increasingly heavy. The present supply of lead will not suffice to meet these needs, and imports are threatened. The combination of increased demand and insufficient supply threatens a bidding up of the price of lead, which will materially increase the cost of the war effort and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.1 *Maximum prices for primary lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary lead, and no person shall buy, offer to buy, or accept delivery of primary lead, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.9.*

*§§ 1355.1 to 1355.9, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1355.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1355.3 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary lead, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, provided that the buyer is willing to accept delivery thereof in a single shipment.*

§ 1355.4 *Records and reports.* Every person making purchases or sales of primary lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade or type purchased or sold, and (b) the quantity of primary lead (1) on hand, and (2), on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and per-

[1] Price Schedule No. 15—Copper, issued August 12, 1941, effective August 12, 1941, 6 F.R. 4008, August 12, 1941; amended August 28, 1941, effective August 12, 1941, 6 F.R. 4535, September 3, 1941.

mits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the Supply Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of primary lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.6 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.*

§ 1355.7 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Primary lead" means the grades and types of primary lead set forth in Appendix A of this Schedule; and

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.8 *Effective date of the Schedule.* This Schedule shall become effective January 15, 1942.*

§ 1355.9 *Appendix A, maximum prices for primary lead*—(a) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price per pound (delivered buyer's rail receiving point)		
	St. Louis	New York	Other points
PIGS			
(1) Common lead	6.35¢	6.50¢	Base price.
(2) Corroding lead	6.45¢	6.60¢	Base price plus .10¢.
(3) Chemical lead	6.45¢	6.60¢	Base price plus .10¢.
(4) Copperized lead made from:			
(a) Common lead	6.40¢	6.55¢	Base price plus .05¢.
(b) Corroding lead	6.50¢	6.65¢	Base price plus .15¢.
INGOTS, LINKED INGOTS, OR OTHER SPECIAL SHAPES			
(1) Common lead	6.85¢	7.00¢	Base price plus .50¢.
(2) Corroding lead	6.95¢	7.10¢	Base price plus .60¢.
(3) Chemical lead	6.95¢	7.10¢	Base price plus .60¢.
(4) Copperized lead made from:			
(a) Common lead	6.90¢	7.05¢	Base price plus .55¢.
(b) Corroding lead	7.00¢	7.15¢	Base price plus .65¢.

When used in paragraph (a) of this section, in reference to carload lots, the term "Base Price" means the price quoted in paragraph (c) of this section at the point of delivery. If the point of delivery is not listed, the price listed for the nearest point in distance to the point of delivery shall prevail.

The above grades of primary lead are to be determined in accordance with the specifications of the American Society for Testing Materials. Primary lead which fails to meet such standards should be sold at normal differentials below the established maximum prices.

The minimum quantity making up a carload lot for the purposes of this Schedule shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(b) *Sold and shipped, delivered, or carried away in less than carload lots.* The term "Carload maximum price" referred to in subparagraphs (i) and (ii) below means the maximum price as determined in paragraph (a) of this Section, except that for the purposes of subparagraphs (i) and (ii) below the maximum price shall be determined at the point of shipment instead of at the point of delivery. In this determination, the term "Base Price" means the price quoted in paragraph (c) of this Section at the point of shipment. If the point of shipment is not listed, the price listed for the nearest point in distance to the point of shipment shall prevail.

(i) *Sales by producers of primary lead.*

For sales in lots of:	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lb. and less than a carload	Carload maximum price plus .15¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus .25¢
2,000 lb. and less than 10,000 lb	Carload maximum price plus .40¢
Less than 2,000 pounds	Carload maximum price plus .50¢

(ii) Sales by distributors, dealers, jobbers and all other persons except producers and plumbing supply houses.

For sales in lots of:	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lb. and less than a carload	Carload maximum price plus .65¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus .75¢.
2,000 lb. and less than 10,000 lb	Carload maximum price plus 1.00¢.
Less than 2,000 pounds	Carload maximum price plus 1.50¢.

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the maximum prices established in paragraph (a) of this section plus an amount not to exceed the difference between the highest price received by such supply house in a sale of a similar quantity of the same grade of lead on October 1, 1941, or on the last date previous thereto on which such a sale took place, and the price paid by such supply house for such lead in the last purchase prior to such sale.

(iv) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Primary lead in less than carload lots may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Table of base prices.*

Basing point	*Price per lb. in cents*
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Macon	6.90
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
East Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40

Basing point	*Price per lb. in cents*
Illinois—Continued.	
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
W. Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Mississippi:	
Hattiesburg	6.75
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Charlotte	6.80
Durham	6.80
Raleigh	6.80
Winston Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
South Carolina:	
Spartanburg	6.75
Tennessee:	
Lenoir City	6.70
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-349; Filed, January 13, 1942; 4:02 p. m.]

PART 1355—LEAD

PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Lead is a basic requirement for military and essential civilian needs. A considerable portion of the lead supply comes from secondary materials. The increased demands upon the supply of lead, together with threatened reduction in imports, have created a critical situation in the secondary lead field. Prices have advanced beyond those of primary lead, and further increases will raise the direct cost of the war effort, and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.51 *Maximum prices for lead scrap materials other than battery lead scrap.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lead scrap materials, and no person shall buy, offer to buy, or accept delivery of lead scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.64.*

*§§ 1355.51 to 1355.69, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1355.52 *Maximum prices for secondary lead including calking lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary lead, and no person shall buy, offer to buy, or accept delivery of secondary lead at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1355.65.*

§ 1355.53 *Maximum prices for battery lead plates purchased and sold by brokers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, in the execution of a brokerage sale (a) no broker shall sell, offer to sell, deliver or transfer battery lead plates, and no broker shall buy, offer to buy, or accept delivery of battery lead plates, and (b) no person shall sell, offer to sell, deliver or transfer battery lead plates to a broker, and no person shall buy, offer to buy, or accept delivery of battery lead plates from a broker, at prices higher than the maximum prices set forth in Appendix C hereof, incorporated herein as § 1355.66.*

§ 1355.54 *Maximum prices for battery lead scrap purchased by smelters or battery manufacturers.* On and after January 15, 1942, regardless of the terms of

any contract of sale or purchase, or other commitment, (a) no smelter or battery manufacturer shall buy, offer to buy, or accept delivery of battery lead scrap, and (b) no person shall sell, offer to sell, deliver or transfer battery lead scrap to such smelter or battery manufacturer, at prices higher than the maximum prices set forth in Appendix D hereof, incorporated herein as § 1355.67.*

§ 1355.55 *Maximum prices for primary and secondary antimonial lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer antimonial lead, and no person shall buy, offer to buy, or accept delivery of antimonial lead, at prices higher than the maximum prices set forth in Appendix E hereof, incorporated herein as § 1355.68.*

§ 1355.56 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D, E, and F may be charged, demanded, paid, or offered.*

§ 1355.57 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, alone or in conjunction with any other material, or by way of any commission except as provided in § 1355.66 hereof, or by way of any service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of secondary lead or antimonial lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, provided that the buyer is willing to accept delivery thereof in a single shipment.

(c) Any agreement or transaction in connection with which a smelter processes lead scrap materials or battery lead scrap for any person on toll shall be considered to be an evasion of this Schedule, unless such agreement or transaction has first been approved in writing by the Office of Price Administration.*

§ 1355.58 *Records and reports.* (a) Any broker or smelter completing a contract for brokerage sales as defined in § 1355.62 of this Schedule shall submit under oath to the Office of Price Administration not later than the 10th day after the completion of delivery thereunder a complete and accurate record of such contract showing:

(1) The date of the contract,

(2) The names and addresses of the contracting parties,

(3) The dates of the first and last shipments thereunder made to and received by the smelter,

(4) The quantity contracted for and the quantity delivered, and

(5) The broker's commission paid, if any.

(b) Every person making purchases or sales of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead (i) on hand, and (ii) on order, as of the close of each calendar month.

(c) In addition to fulfilling the other requirements of this Schedule, every smelter or battery manufacturer making purchases of battery lead plates after January 15, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase, including the date of purchase, the name and address of the seller, the price paid, the quantity received, and the results of the sample assay made thereof in accordance with the requirements of this Schedule.

(d) All records recording the purchase, sale, or transfer after January 15, 1942, of lead scrap material, secondary lead, battery lead scrap, or antimonial lead shall refer thereto, in addition to such other classifications as may be employed by the maker or keeper of said records, in the terms in which they are respectively classified in this Schedule.

(e) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.59 *Affirmations of compliance by smelters of battery lead plates or battery manufacturers purchasing battery lead plates.* On or before February 10, 1942, and on or before the 10th day of each month thereafter, every smelter of battery lead plates or battery manufacturer purchasing battery lead plates shall submit to the Office of Price Administration an affirmation of compliance on Form 170:1, containing a sworn statement that during the preceding month in compliance with this Schedule an assay has been made in the manner prescribed in § 1355.67 of this Schedule of every shipment and delivery of battery lead plates received by said smelter or purchased by said battery manufacturer. Copies of Form 170:1 can be procured from the Office of Price Administration, or, provided no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1355.60 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the Supply, Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.61 *Modification of the Schedule.* (a) Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.

(b) Any person producing from scrap materials corroding lead of the specifications established by the American Society for Testing Materials may apply to the Office of Price Administration for permission to sell such materials at a premium to be established by the Office of Price Administration. Such permission will be granted only when it is proved to the satisfaction of the Office of Price Administration that the material for which such application is made meets the required specifications.*

§ 1355.62 *Definitions.* When used in this Schedule, the term:

(a) "Antimonial lead" includes both primary and secondary antimonial lead and means any lead-antimony alloy in the form of pigs or special shapes containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin;

(b) "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail;

(c) "Battery lead plates" means scrap battery lead plates either with or without lugs, liners, separators, and/or battery mud;

(d) "Battery lead scrap" means the kinds, types, and grades of battery lead scrap set forth in Appendices C and D of this Schedule;

(e) "Broker" means any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight

of battery lead plates to be delivered within a period of 30 days and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(f) "Brokerage sale" means a sale under a firm contract in which any person agrees (1) to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a thirty-day period, and (2) routes all shipments under such contract from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter.

(g) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination;

(h) "Hard lead scrap" means any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony;

(i) "Lead scrap materials" means the kinds, types, and grades of lead scrap materials set forth in Appendix A of this Schedule;

(j) "On toll" means under an arrangement whereby the smelter is paid a servicing charge for processing the materials;

(k) "Person" means an individual, partnership, association, corporation, or other business entity;

(l) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(m) "Sample assay" means an assay performed according to the requirements set forth in Appendix D of this Schedule;

(n) "Secondary lead" includes calking lead and means the kinds, types, and grades of secondary lead set forth in Appendix B of this Schedule;

(o) "Single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays;

(p) "Smelter" means any person who melts or fuses lead scrap materials including, but in no way limiting the generality thereof, battery lead plates.*

§ 1355.63 *Effective date of the Schedule.* This Schedule shall become effective January 15, 1942.*

§ 1355.64 *Appendix A; maximum prices for lead scrap materials other than battery lead scrap*—(a) *Maximum prices.* "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

Grade or type of lead scrap material	*Maximum price per pound (f. o. b. point of shipment)*
Soft lead scrap	Base price less .55¢
Hard lead scrap	Base price less .55¢
Battery lugs	Base price less .65¢
Lead content of lead-covered copper cable	Base price less .65¢
Cable lead scrap	Base price less .55¢

The maximum prices established herein are the maximum prices to be paid for the lead scrap materials enumerated above in a clean condition after the free iron, rubber, and other foreign materials are removed.

Hard lead scrap shall be considered to include any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Lead scrap materials may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.65 *Appendix B; maximum prices for secondary lead, including calking lead*—(a) *Maximum prices.* "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	*Maximum price, per pound (f. o. b. point of shipment)*
Low-grade secondary pig lead (containing less than 99.73% lead)	Base price less .15¢.
Low-grade secondary lead ingots, linked ingots, and other special shapes (containing less than 99.73% lead).	Base price plus .10¢.
High-grade secondary pig lead (certified to contain not less than 99.73% lead).	Base price
High-grade secondary lead ingots, linked ingots, and other special shapes (certified to contain not less than 99.73% lead).	Base price plus .50¢

The minimum quantity making up a carload lot for the purposes of this Schedule will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(2) *Sold and shipped, delivered, or carried away in less than carload lots*—(i) *Sales by producers of secondary lead.*

For sales of secondary lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢
10,000 lbs. and less than 20,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢
2,000 lbs. and less than 10,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢

(ii) *Sales by distributors, dealers, jobbers, and all other persons except producers and plumbing supply houses.*

For sales of secondary lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .65¢
10,000 lbs. and less than 20,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus. 75¢
2,000 lbs. and less than 10,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus 1.00¢
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus 1.50¢

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer secondary lead at prices in excess of the maximum prices established in paragraph (a) (1) of this section plus an amount not to exceed the difference between the highest price received by such supply house in a sale of a similar quantity of the same grade of lead on October 1, 1941, or on the last date previous thereto on which such a sale took place, and the price paid by

such supply house for such lead in the last purchase prior to such sale.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.66 *Appendix C; maximum prices for battery lead plates purchased and sold by brokers*—(a) *Maximum prices for brokerage sales*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by

the percentage of metal content in the plates as determined by the smelter-purchaser thereof by a sample wet assay upon receipt of the shipment at his plant

less
1.10¢

(2) *Single shipments of less than 8,000 pounds.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) *Lugs.* The above prices for battery lead plates are applicable whether said plates are sold with or without lugs attached.

(b) *Commission on brokerage sales.* Any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a 30-day period and (2) routes all shipments under such contracts from a point of shipment other than the broker's plan, warehouse, or yard, directly to the smelter may receive from the smelter-purchaser, upon completion of each such contract, a commission not exceeding $1.00 a ton of the gross (wet) weight received under each contract provided all of the following requirements are fulfilled:

(1) Complete delivery of all the material called for in the contract is made to the smelter-purchaser within a period of 30 days;

(2) The commission is shown as a separate charge on all records;

(3) The broker does not split or divide the commission with any other person;

(4) The contract is fully performed before the commission, or any portion thereof, is received by the broker; and

(5) Complete and accurate records of each such sale are submitted to the Office of Price Administration as are required by § 1355.58 of this Schedule.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead plates may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.67 *Appendix D, maximum prices for battery lead scrap purchased by smelters or battery manufacturers*—(a) *Battery lead plates, with or without lugs attached*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by

the percentage of metal content in the plates as determined by the smelter-purchaser or battery manufacturer thereof by a sample wet assay upon receipt of the shipment at his plant

less
1.10¢

(2) *Single shipments of less than 8,000 lbs.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule, the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(b) *Used storage batteries (in boxes), drained of liquid.* The maximum price per cwt., f. o. b. point of shipment, is $2.39.

Used storage batteries (in boxes) may be shipped to a smelter or battery manufacturer in an undrained condition, but the weight and price thereof shall be determined after the boxes are drained.

The maximum prices for used storage batteries (in boxes) set forth herein do not apply to rebuilders of used storage batteries.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead scrap may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(d) *Sample assay.* Every sample assay of battery lead plates required to be made pursuant to this Schedule shall satisfy the following requirements:

(1) A wet or chemical assay shall be made of the metal and dross derived from the sample.

(2) The sample shall be selected at random from the shipment in a manner

consistent with the past practice of the trade and shall be of a size not smaller than is consistent with such past practice.

(3) The assay in every other respect shall be performed in a manner consistent with the purpose of determining accurately the metal content of the shipment of battery lead plates.*

§ 1355.68 *Appendix E; maximum prices for primary and secondary antimonial lead*—(a) *Maximum prices.* When used in this Schedule, the term "base price" means the price quoted in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.* The maximum price per pound, f. o. b. point of shipment, for any grade or type of antimonial lead sold in pigs shall be equal to 14 cents a pound for the antimony content plus the base price of lead for the remainder.

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

For sales of antimonial lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined by Paragraph (a) (1) of this Section plus .15¢
10,000 lbs. and less than 20,000 lbs	Carload price as determined by Paragraph (a) (1) of this Section plus .25¢
2,000 lbs. and less than 10,000 lbs	Carload price as determined by Paragraph (a) (1) of this Section plus .40¢
Less than 2,000 pounds	Carload price as determined by Paragraph (a) (1) of this Section plus .50¢

(3) *Differentials for sales in special shapes.* For sales of antimonial lead in ingots, billets, or other special shapes, there may be added to the maximum prices set forth above a differential of .30 cents a pound.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Antimonial lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Antimonial lead.* When used in this Schedule, the term "antimonial lead" means any lead-antimony alloy in the form of pigs or special shapes, containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin.*

§ 1355.69 *Appendix F; list of base prices.*

Basing point	*Price per lb. in cents*
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
E. Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
West Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50

Basing point	*Price per lb. in cents*
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
Tennessee:	
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

*

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-380; Filed, January 14, 1942; 11:45 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 87-A]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

CANCELLATION OF SPECIAL AUTHORIZATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the eighth day of January 1942;

Whereas considerations of national defense require the complete cessation of all amateur radio operation;

It is ordered, That all special authorizations granted pursuant to Order No. 87[1] be, and they are hereby, cancelled.

By order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-344; Filed, January 13, 1942; 2:10 p. m.]

[1] 6 F.R. 6378.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 75—REGULATIONS APPLYING TO SHIPPERS

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December, A. D. 1941.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1444), the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles applying to carriers engaged in interstate or foreign commerce by land and water, in freight, express, or baggage service by rail, or by water, or highway;

And it appearing that by application of the Office of Production Management dated October 31, 1941, we are asked to order the temporary and limited amendment of our regulations for transportation of explosives and other dangerous articles so as to permit emergency shipments to be made of liquefied chlorine gas in single-unit tank cars of capacity not to exceed 55 tons, 110,000 pounds, of liquid chlorine, the tanks to be manufactured in accordance with current I. C. C. shipping container specification No. 105A500, limited in application as herein further specified;

It further appearing that the matter of the efficiency of the said tank-car tanks has been considered, and that tank-car tanks constructed and used as herein authorized will be in accord with the best-known practicable means for securing safety in the transportation of liquefied chlorine gas;

It further appearing, That the said tank-car tanks will be constructed by manufacturers considered to be competent to fully carry out the provisions of the applicable specification and this order for cars used for the transportation of liquefied chlorine gas;

It further appearing, That section 303 (q) (7) of the aforesaid regulations provides that the maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution and fertilizer ammoniating solution containing free ammonia, loaded into tanks mounted on one car structure must not exceed 60,000 pounds (30 tons);

And it further appearing, That by no means other than by modification of existing regulations for the transportation of liquefied chlorine gas may the proposed emergency shipments be made:

It is ordered, That the regulations for transportation of explosives and other dangerous articles be, and they are hereby amended as follows:

§ 303 (q) (7) *Compressed gases in tank cars and motor vehicles.* (Add) NOTE: Until further order of the Commission, the maximum quantity of liquefied chlorine gas loaded into a single-unit tank-car tank mounted on one car structure must not exceed 110,000 pounds (55 tons), subject to the following further limitations:

(i) Tanks must be constructed in full compliance with current I. C. C. shipping container specification 105A500, be forge welded, lagged with 4 inches of corkboard, and equipped with safety valves set to open at a pressure of 225 pounds per square inch, and have riveted anchors; cars to be registered as of ICC-105A300 type.

(ii) Discharge areas of safety valves to be increased, if possible, so as to be suitable for protection against damage to the larger-capacity tanks herein authorized.

(iii) This authority shall be effective on and after date of service thereof, and in all respects and for all shipments, except only those made thereunder, the aforesaid regulations herein amended shall be and remain in full force and effect.

(iv) All effective car construction and safety appliance requirements must be served. (Sec. 233, 41 Stat. 1445)

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-388; Filed, January 14, 1942; 11:48 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]—HONG KONG

SECTION I

1. *Executive Orders and Treasury Department Regulations.* Section I, as amended,[2] is further amended by adding, in proper alphabetical order to the list of countries contained in paragraph 1 the following country:

Executive Order No. and Federal Register reference, 8998 (6 F.R. 6785); country, Hong Kong; date effective, June 14, 1941. (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 3, W.D., Jan. 8, 1942, amending Proc. Cir. 81, W.D., Oct. 27, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-358; Filed, January 14, 1942; 10:55 a. m.]

[1] 6 F.R. 5701.
[2] 7 F.R. 183.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 11, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (*d*) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 6, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petition of District Board No. 11 for the establishment of Linton, Indiana, on the I. C. Railroad as an additional rail loading point for the coals of the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier, a code member in District No. 11.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-362; Filed, January 14, 1942; 11: 20 a. m.]

[Docket No. B-145]

IN THE MATTER OF A. J. BRIMER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 29, 1941, by the Bituminous Coal Producers Board for District No. 13, district board complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder,

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition of intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. J. Brimer, R. F. D. No. 4, Haleyville, Alabama, sold subsequent to July 1, 1941, a substantial quantity of mine run and 1½" x 0 steam coal produced at his Sahara No. 2 Mine (Mine Index No. 1192), which is located at or near Haleyville, Alabama, to J. O. Springer, operating the Sheffield Coal Company, Sheffield, Alabama, at $2.50 per ton for run of mine coal and $1.25 for the 1½" x 0 steam coal, f. o. b. said mine, whereas the effective minimum prices were $2.90 and $2.20 per ton f. o. b. said mine, respectively, as stated in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-363; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. B-133]

IN THE MATTER OF ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SR., AND THOMAS WILLIAMS, JR., (MAMMOTH BLOCK COAL COMPANY), ALSO KNOWN AS ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SR., AND THOMAS WILLIAMS, JR., INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MAMMOTH BLOCK COAL COMPANY, CODE MEMBER, DEFENDANTS

ORDER ADVANCING HEARING

The above entitled matter having been heretofore, by Order of the Acting Director dated December 3, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

It appearing to the Acting Director that it is advisable to advance said hearing;

Now, therefore, it is ordered, That the hearing in the above entitled matter, be and the same is hereby advanced from

10 o'clock in the forenoon of January 19, 1942, to 10 o'clock in the forenoon of January 17, 1942, at the place aforesaid, and before the officer or officers previously designated to preside.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-364; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

The above-entitled matter having been scheduled for hearing on December 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 516, Federal Building, St. Louis, Missouri, by Order of the Director dated October 9, 1941; and the matter having come on for hearing on December 9, 1941, before Joseph D. Dermody, Trial Examiner, designated by said Order of October 9, 1941, to preside at said hearing, and the respondent having moved for a postponement of said hearing; and said Trial Examiner having thereupon granted said motion and entered an order postponing the hearing herein to a date to be later designated; and

The undersigned deeming it advisable to redesignate the time and place of said hearing and the Trial Examiner to preside at said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby set for February 2, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri, and that W. A. Shipman, or any other officer of the Bituminous Coal Division that may be designated, shall preside at said hearing vice Joseph D. Dermody.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-365; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

The hearing in the above entitled matter, by Order dated December 24, 1941, having been reopened and scheduled for hearing at 10 o'clock in the forenoon of January 13, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be postponed from 10 o'clock in the forenoon of January 13, 1942, until 10 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana, before the officers previously designated to preside at such hearing.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-366; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. B-126]

IN THE MATTER OF MATERIAL SERVICE CORPORATION, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6031, AND CONSUMERS COMPANY OF ILLINOIS, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1811, RESPONDENTS

ORDER POSTPONING HEARING

The above-entitled matter having been scheduled, by order dated November 22, 1941, for hearing at 10 a. m. on January 19, 1942, at a hearing room of the Bituminous Coal Division, at the Custom Court House, Room 709, U. S. Custom Building, 610 South Canal Street, Chicago, Illinois; and Examiner W. A. Shipman having been designated by order dated December 2, 1941, to preside at said hearing vice Examiner Edward J. Hayes; and

The respondent, Material Service Corporation, having filed with the Division its motion, dated January 6, 1942, requesting that the hearing in this matter be postponed from January 19, 1942, to February 3, 1942;

And good reason appearing for the postponement of the hearing in this matter to January 27, 1942, instead of to February 3, 1942, as requested by said respondent;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m. on January 19, 1942, to 10 a. m. on January 27, 1942, at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois, before the officers previously designated to preside at said hearing.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-367; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-800]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY ROBERT RANEY (R. & G. COAL COMPANY), R. & G. MINE, MINE INDEX NO. 113, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINE AND OTHER MINES IN DISTRICT NO. 11, ON SHIPMENTS TO MARTINSVILLE, INDIANA, MARKET AREA NO. 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-368; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-776]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY THE AYRSHIRE PATOKA COLLIERIES CORPORATION, PATOKA MINE, MINE INDEX NO. 41, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINE AND OTHER MINES IN DISTRICT NO. 11, ON SHIPMENTS TO PAOLI, INDIANA, MARKET AREA 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-369; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-762]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY SUNLIGHT COAL COMPANY, SUNLIGHT NO. 11 MINE, MINE INDEX NO. 87 AND BY TECUMSEH COAL CORPORATION, TECUMSEH MINE, MINE INDEX NO. 105, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINES AND OTHER MINES IN DISTRICT NO. 11, ON SHIPMENTS TO MARTINSVILLE, INDIANA, MARKET AREA 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-370; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1686–FD]

IN THE MATTER OF J. W. BENNETT, CODE MEMBER, DEFENDANT

ORDER GRANTING PERMISSION TO WITHDRAW COMPLAINT AND DISCONTINUING MATTER

The Bituminous Coal Producers Board for District No. 13, complainant herein, having by motion filed December 9, 1941, requested permission to withdraw its complaint against the above-named defendant filed with the Division on May 1, 1941, on the ground that the coal described in said complaint was not produced at the mine alleged therein but was produced at another mine; and

The Acting Director deeming it advisable to grant said motion;

Now therefore it is ordered, That the complainant herein be and it is hereby granted permission to withdraw its said complaint dated December 5, 1941, which was filed with the Division on December 9, 1941, by said complainant; and

It is further ordered, That the matter herein, Docket No. 1686–FD, be and the same is hereby discontinued.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–371; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1795–FD]

IN THE MATTER OF TENNESSEE RIVER COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated November 12, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein pursuant to Order of the Acting Director dated December 19, 1941;

The above-entitled matter having been scheduled for hearing on September 30, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, by Order of the Director dated August 19, 1941, and, subsequently, having been postponed by an Order of the Director dated September 11, 1941, to a date and at a hearing room to be thereafter designated by an appropriate order; and

Said Order of the Director dated August 19, 1941, having designated Travis Williams or any other officer or officers of the Bituminous Coal Division to preside at the hearing in such matter; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated August 19, 1941, in the above-entitled matter, be, and the same is hereby amended and supplemented by inserting after the last paragraph thereof, the following: "That during April and May, 1941, the defendant sold and delivered for rail shipment to Williams Coal Company, Chattanooga, Tennessee, approximately 639.5 tons of mine run coal and 108.8 tons of nut and slack (1½" x 0) coal produced at its Cumberland Mine, Mine Index No. 728, located in Rhea County, Tennessee, in District No. 13, at a price of $2.10 per ton delivered into railroad cars at Dayton, Tennessee, whereas minimum prices for rail shipment, temporary or final, had not been established by the Division for the coal produced at said mine, which sales therefore constituted violations of the Order of the Director entered in General Docket No. 19, dated October 9, 1940."

It is further ordered, That the hearing in the above-entitled matter be held at 10 a. m. on February 18, 1942, in a hearing room of the Bituminous Coal Division at the Chancery Court Room, Chattanooga, Tennessee.

It is further ordered, That the Notice of and Order for Hearing herein dated August 19, 1941, shall in all other respects remain in full force and effect.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–372; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1786–FD]

IN THE MATTER OF ANTON MANZAGOL, DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on July 10, 1941, by District Board No. 11, alleging that Anton Manzagol, the defendant, a code member in District 11, had wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices thereunder and praying that the Division either cancel and revoke the defendant's code membership or in its discretion direct the defendant to cease and desist from violation of the Code and effective minimum prices thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Crawfordsville, Indiana, on October 3, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter dated October 18, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Act, the Code, and the effective minimum prices and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.[1]

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the defendant, Anton Manzagol, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum prices therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may upon failure of the defendant to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–373; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1816–FD]

IN THE MATTER OF MILLER COAL COMPANY (H. P. MILLER, OWNER), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act

[1] While the Acting Director agrees with the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law and concurs in his recommendation that a cease and desist order should be entered herein, the Acting Director does not subscribe to the reasoning stated in the Proposed Findings of Fact which led the Examiner to recommend entry of a cease and desist order rather than one providing for code membership revocation. By adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner and entering a cease and desist order herein, the Acting Director is neither approving nor adopting the aforesaid reasoning of the Examiner.

of 1937, having been filed with the Bituminous Coal Division on August 4, 1941, by the Bituminous Coal Producers Board for District No. 3, the complainant, against the Miller Coal Company (H. P. Miller, owner), defendant, a code member in District 3, alleging wilful violation by the defendant of the Bituminous Coal Code, and rules and regulations thereunder, and requesting that the defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violations of the Code and the rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, in Clarksburg, West Virginia;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in the above proceedings, dated November 28, 1941, recommending that an order be entered revoking and cancelling the code membership of the defendant, Miller Coal Company (H. P. Miller, owner), and providing that prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $163.16, as provided in section 5 (c) of the Act;

An opportunity having been afforded the parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Miller Coal Company (H. P. Miller, owner), be and the same hereby is revoked and cancelled, effective fifteen (15) days from the date of this Order;

It is further ordered, That, prior to any reinstatement of the defendant, Miller Coal Company, (H. P. Miller, owner), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $163.16, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-374; Filed, January 14, 1942; 11:23 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 161]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA, PREPARED AND PROPOSED BY THE NEW ENGLAND MILK PRODUCER' ASSOCIATION, UPON WHICH SAID ORGANIZATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Notice is hereby given of a hearing to be held at the auditorium of the Hampden County Improvement League Building, Eastern States Exposition Grounds, West Springfield, Massachusetts, at 10:00 a. m., e. s. t., January 23, 1942, with respect to a proposed marketing agreement and proposed order regulating the handling of milk in the territory included within the boundary lines of the cities and towns of Agawam, Chicopee, East Longmeadow, Holyoke, Longmeadow, Ludlow, South Hadley, Springfield, West Springfield, Westfield, and Wilbraham, Massachusetts (which territory is known and hereinafter referred to as the Springfield, Massachusetts, marketing area). The proposed marketing agreement and proposed order have been prepared and proposed by the New England Milk Producers' Association.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.) and to the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (Title 7, Chapter IX, Part 900, § 900.4 of the Code of Federal Regulations).

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Springfield, Massachusetts, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and proposed order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of an individual-handler pool, (f) deductions for marketing services, and (g) expenses of administration.

Evidence will also be received as to (a) the feasibility of a provision in the proposed marketing agreement and proposed order substituting a market-wide pool for the individual-handler pool, and (b) whether the administrative assessment should be 2 cents or 3 cents per hundredweight.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in Section 900.4 of the General Regulations of the Surplus Marketing Administration (Title 7, Chapter IX, § 900 of the Code of Federal Regulations), United States Department of Agriculture and that the notice herewith given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be obtained from the Hearing Clerk, Office of the Solicitor, United Staes Department of Agriculture, in Room 9312 South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 13, 1942.

[F. R. Doc. 42-359; Filed, January 14, 1942; 11:17 a. m.]

[Docket No. AO 14-A 9]

NOTICE OF HEARING WITH RESPECT TO PROPOSALS TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held at the House of Representatives, State House, Montpelier, Vermont, at 10:00 a. m., e. s. t., January 19, 1942, and at the Gardiner Auditorium, State House, Boston, Massachusetts, at 10:00 a. m., e. s. t., January 20, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

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[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

1. *Classification.* (a) Revise § 904.3 (b) (2) to result in the classification, as Class I, milk disposed of in the form of buttermilk and cultured skim milk.

(b) Eliminate the present provision of charging the Class I price for shrinkage (§ 904.3 (b) (2)).

(c) Provide for shrinkage allowances to be made applicable at every plant based on the general experience records in the possession of the administrator, and applying generally to all Class I sales by all handlers, and that there be no allocation of shrinkage from one classification to another.

2. *Class I price.* (a) Delete § 904.4 (a) (1) and substitute therefor the following: "For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight shall be $3.63 during the delivery periods of April, May, and June, and $4.10 during other delivery periods of the year."

(b) Delete § 904.4 (a) (1) and substitute therefor the following: "For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight shall be $3.63 during delivery periods prior to October 1, 1942, and thereafter $3.93 per hundredweight."

3. *Class I freight allowance.* (a) Amend § 903.4 (a) (1) to permit a freight allowance equivalent to the rail tariffs actually applicable to a handler's business.

(b) In § 904.4 (a) (3), delete, "* * * then, that milk that was shipped from the nearest plant located more than 40 miles * * *," and substitute therefore: "* * * then, that milk that was *received from producers* at the nearest plant located more than 40 miles * * *"

4. *Allowances for country receiving plant costs.* (a) Amend § 904.4 (a) (2) to provide the following creamery station allowances.

Stations handling (pounds of milk per month)	*Allowance (cents per hundredweight)*
Less than 450,000	34
450,001–650,000	26
650,001–1,250,000	20
Over 1,250,000	16

(b) Adjust the plant allowance to 23 cents per hundredweight for both Class I and Class II milk.

5. *Class I price outside the marketing area.* (a) Revise § 904.4 (c) (1) to read: "Prices to be paid producers in the manner set forth in § 904.8, by each handler for milk utilized as Class I milk, outside the marketing area, shall be the Class I price set forth in this section: *Provided, however,* That if the market administrator ascertains that the prevailing price for milk of equivalent use being paid by dealers in the area in which the milk is sold is lower, then the price ascertained to be the prevailing price shall be paid.

(b) Consider sales outside the marketing area at the Boston Class I price.

6. *Class II price.* (a) Revise the Class II price formula, § 904.4, to increase the price 14 cents per hundredweight for milk delivered at plants located not more than 40 miles from the State House in Boston.

(b) Revise the Class II formula to provide for the increase of 5.5 cents per hundredweight for milk delivered at plants located between 40 and 200 miles from the State House in Boston.

(c) Revise the Class II formula to provide for the use of prices far casein and skim milk powder that are quoted by the United States Department of Agriculture or the present quotations for casein taken from the *Oil, Paint, and Drug Reporter,* and the casein prices reported by the *Producers' Price Current,* whichever is higher.

7. *Handlers with less than 10 percent of their milk as Class I in the marketing area (§§ 904.6 (d) and 904.8 (g)).* Revise the percentage in this provision from 10 to 25 or 30, or provide a fluctuation of the percentage between the seasons of high and low production.

8. *New producers.* Delete § 904.8 (b) (2).

9. *Butterfat differential (§ 904.8 (d)).* Change the method of calculating the butterfat differential by providing that the price be based upon the price of 92-score butter as reported by the Department for the period involved plus 4 cents, divided by 10.

10. *Allowance for use of cans.* Under § 904.8 (f), allow handlers to deduct from payments to producers 2 cents per hundredweight for the use of cans.

11. *Payments to cooperative associations (section 9 and related parts of section 7).* (a) Delete section 9.

(b) Amend the provisions relating to payments to cooperatives as follows:

(1) In § 904.7 (b) (6), change the reference from "payments" to "payments and reserves."

(2) Qualify § 904.9 (a) (1) to prevent the possibility of this provision being construed to mean that payments at the rate of 1.5 cents per hundredweight are not available to operating cooperatives.

(3) Revise § 904.9 (a) (2) with respect to the language "under the exclusive control of member producers" to indicate that the term "member" shall mean an individual producer or a group of producers who are organized as a cooperative which is a member unit of a larger cooperative.

(4) Provide that the cooperative association receiving payments at the rate of 5 cents per hundredweight shall be the handler who accounts to the market administrator under § 904.8 (b) (3).

(5) Revise § 904.9 (a) (2) to indicate that milk which is not eligible for the payment because of being sold to a handler which is partly or completely owned by the cooperative shall include handlers which are wholly or partly owned by member units of the cooperative.

(6) In § 904.9 (e), change the language "receiving payment pursuant to this section" to "qualified to receive payment pursuant to this section."

12. *Assessment for cost of administration.* Increase the maximum rate of assessment from 2 to 2.5 cents per hundredweight.

Additional copies of this notice of hearing and copies of Order No. 4, as amended, now in effect, may be procured from the market administrator, 80 Federal Street, Boston, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 14, 1942.

[F. R. Doc. 42-360; Filed, January 14, 1942; 11:17 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 15, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Aldine Manufacturing Company, Philadelphia, Pennsylvania; Silk and Rayon Lamp Shades; 5 learners; 240 hours for any one learner; 35 cents per hour; Hand Sewing; April 15, 1942.

Signed at Washington, D. C., this 14th day of January 1942.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 42-387; Filed, January 14, 1942; 11:49 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under sec-

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

tion 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 15, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

William Bradford Company, 8th and Harrison Street, Davenport, Iowa; Men's Clothing; 5 percent (T); January 15, 1943.

National Academic Cap and Gown Company, 821–23 Arch Street, Philadelphia, Pennsylvania; Caps and Gowns for Graduation, Choir Gowns; 3 learners (T); January 15, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

The Barbizon Corporation, 468 Totowa Avenue, Paterson, New Jersey; Lingerie; 10 percent (T); January 15, 1943.

Jack Goldson Company, 1212 Stanford Avenue, Los Angeles, California; Slack Suits, Play Suits, Housecoats, Dresses; 10 percent (T); January 15, 1943. (This certificate replaces one issued to Jack Goldson, Inc., bearing expiration date of March 6, 1942.)

Pauline Gordon, Inc., 112 Madison Avenue, New York, New York; Brassieres and Corsets; 10 percent (T); April 30, 1942.

Mitchell Brothers, Inc., 1730 State Street, Bridgeport, Connecticut; Ladies' Nightgowns and Pajamas; 10 percent (T); January 15, 1943.

M. Nirenberg Sons, Inc., Fair Haven, Vermont; Shirts; 10 learners (T); January 15, 1943.

The Reliance Manufacturing Company, 1102 Twelfth Street, Bedford, Indiana; Work Shirts, Work Pants; 10 percent (T); January 15, 1943.

Rita Apparel, 114 S. Spruce Street, Lititz, Pennsylvania; Blouses and Dresses; 40 learners (T); July 15, 1942.

Rivoli Shirt Company, 395 James Street, Bridgeport, Connecticut; Men's Dress and Sport Shirts; 10 learners (T); January 15, 1943.

F. Silverman and Sons, Inc., 85 Coggeshall Street, New Bedford, Massachusetts; Children's Dresses, Children's Sunsuits; 10 percent (T); January 15, 1943.

Southeastern Shirt Corporation, LaFollette, Tennessee; Dress Shirts; 10 percent (T); January 15, 1943. (This certificate replaces the one issued bearing expiration date of October 27, 1942.)

Artificial Flowers and Feathers

California Artificial Flower Company, Providence, Rhode Island; Decorative Flowers; 110 learners (E); February 26, 1942.

Gloves

Eagle Glove and Garment Company, 215 N. Franklin Street, Muncie, Indiana; Work Gloves; 5 learners (T); January 15, 1943.

Eagle Glove and Garment Company, Conner Street, Noblesville, Indiana; Work Gloves; 5 learners (T); January 15, 1943.

Hosiery

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Carroll Silk Hosiery Mills, Inc., Hillsville, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Homestead Manufacturing Company, Inc., Bankhead Farms, Jasper, Alabama; Full Fashioned Hosiery; 10 learners (T); January 15, 1943.

J. H. Kissinger Knitting Company, Inc., Market Street, Millersburg, Pennsylvania; Seamless Hosiery; 10 learners (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of November 20, 1942.)

McLaurin Hosiery Mills, 150 M. Park Street, Asheboro, North Carolina; Seamless Hosiery; 10 percent (T); January 15, 1943.

Orange Knitting Mills, Inc., Orange, Virginia; Full Fashioned Hosiery; 15 learners (E); September 15, 1942.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Telephone

The United Telephone Company, Washington Street, St. Marys, West Virginia; to employ learners as commercial switchboard operators at its St. Marys Exchange, St. Marys, West Virginia, until January 15, 1943.

Knitted Wear

Bristol Knitting Mills, Inc., Pierce Street, Bristol, Virginia; Knitted Underwear; 5 percent (T); January 15, 1943.

Winsted Hosiery Company, Holabird Avenue, Winsted, Connecticut; Knitted Underwear; 5 percent (T); January 15, 1943.

Textile

Bristol Knitting Mills, Incorporated, Pierce Street, Bristol, Virginia; Cotton; 2 learners (T); January 15, 1943.

J and C Cottons, Ellijay, Georgia; Tufting Yarn; 6 percent (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of April 7, 1942.)

Prime Needle Art Company, 220 W. Huron Street, Chicago, Illinois; Sheets and Pillow Cases, Table Cloths, Towels, etc., 1 learner (T); July 15, 1942.

Sellers Manufacturing Company, Saxapahaw, North Carolina; Cotton Yarn; 3 percent (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of January 27, 1942.)

Signed this 14th day of January 1942, at Washington, D. C.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-386; Filed, January 14, 1942; 11:49 a. m.]

ADMINISTRATIVE ORDER No. 138

APPOINTMENT OF INDUSTRY COMMITTEE NO. 41 FOR THE LUGGAGE, LEATHER GOODS, AND WOMEN'S HANDBAG INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the luggage, leather goods, and women's handbag industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Joseph A. McClain, Jr., Chairman, St. Louis, Missouri; George Thomas Brown, Washington, D. C.; Tipton R. Snavely, Charlottesville, Virginia; Malcolm Sharp, Chicago, Illinois; Leland M. Goodrich, Providence, Rhode Island; Harold Egbert van Delden, New York, New York.

For the Employees: Samuel Laderman, Chicago, Illinois; Philip Lubliner, New York, New York; Louis Rooney, Chicago, Illinois; Charles Mutter, Jersey City, New Jersey; Jack Weiselberg, Brooklyn, New York; A. M. Reuter, St. Louis, Missouri.

For the Employers: George S. Bernard, Petersburg, Virginia; Stanley Klein, Cin-

cinnati, Ohio; Robert H. Rolfs, West Bend, Wisconsin; Milton W. Daub, New York, New York; George Meyers, Norwalk, Connecticut; Leopold J. Sneider, New York, New York.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "luggage, leather goods, and women's handbag industry" means: (a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fibre, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in section (a).

3. The definition of the luggage, leather goods, and women's handbag industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on February 3, 1942, in Room 3229, U. S. Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 10th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-385; Filed, January 14, 1942; 11:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 6233, 6234]

IN RE APPLICATION OF HOT SPRINGS CHAMBER OF COMMERCE (KTHS), (ASSIGNOR) AND SOUTHLAND RADIO CORP., (ASSIGNEE), AND IN RE APPLICATION OF SOUTHLAND RADIO CORP. (KTHS)

NOTICE OF HEARING

Application [Hot Springs Chamber of Commerce (KTHS), (Assignor) and Southland Radio Corp., assignee] dated May 26, 1941, for assignment of license; class of service, broadcast; class of station, broadcast; location, Hot Springs Natl. Park, Arkansas; operating assignment: Frequency, 1,090 kc.; power, 5 kw. night, 10 kw. day; hours of operation, shares equally with KRLD.

Application [Southland Radio Corporation (KTHS)] dated, May 27, 1941; for, construction permit; class of service, broadcast; class of station, broadcast; location, Hot Springs Natl. Park, Arkansas; operating assignment specified: Frequency, 1,090 kc.; power, 50 kw. (DA-Night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described applications and has designated the matter for a *consolidated* hearing for the following reasons:

1. To determine whether station operation pursuant to the provisions of the proposed contract between the assignor and the assignee, particularly sections 7 and 8 thereof, would be in the public interest.

2. To determine the reasons and purposes for the proposed assignment and the character of the changes, if any, contemplated by the assignee as to the service of the station or otherwise.

3. To determine the relationships existing between the proposed assignee, its officers, directors and stockholders and the licensees of Stations KARK and KELD.

4. To determine the areas and populations now receiving primary service, from Stations KARK and KELD which would receive primary service from Station KTHS, operating as proposed in the application for construction permit.

5. To determine whether the operation of this station by the proposed assignee would be in the public interest, particularly in view of the relationships between said assignee and the licensees of Stations KARK and KELD.

6. To determine whether the operation of Station KTHS as proposed in the application for construction permit, would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the predicted 250 mv/m ("blanket area") contour.

7. To determine the areas and populations which may be expected to gain primary service from Station KTHS operating as proposed in the application for construction permit and what other broadcast service is available to these areas and populations.

8. To determine the areas and populations now receiving primary service from Station KTHS which would lose such service should Station KTHS operate as proposed in the application for construction permit, and what other broadcast service is available to these areas and populations.

9. To determine the extent of the interference which would result from simultaneous operation of the main transmitter and the synchronous amplifier as proposed in the application for construction permit.

10. To determine whether the simultaneous operation of the main transmitter and the synchronous amplifier, as proposed in the application for construction permit, would deprive any areas and populations of secondary service from Station WBAL, and if so, what other broadcast service is available to those areas and populations.

11. To determine whether the granting of the application for construction permit would tend toward a fair, efficient and equitable distribution of radiobroadcast sevice as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether the granting of both applications would serve public interest, convenience and necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

Hot Springs Chamber of Commerce, Radio Station KTHS, 135 Benton St., Hot Springs National Park, Ark.

Southland Radio Corporation, Att: T. H. Barton, Exchange Bldg., El Dorado, Arkansas.

Dated: January 12, 1942.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-345; Filed, January 13, 1942; 2:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-516]

IN THE MATTER OF THE APPLICATION OF COMPANIA ELECTRICA DE MATAMOROS S. A. AND COMPANIA ELECTRICA DE OJINAGA S. A.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

An application having been duly filed with this Commission by Compania Electrica de Matamoros S. A. and Compania Electrica de Ojinaga S. A. for exemption as subsidiary companies, as such, of Central Power and Light Company pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 30, 1942, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-376; Filed, January 14, 1942; 11:42 a. m.]

[File No. 70-481]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than January 30, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Southern Natural Gas Company, a subsidiary of Federal Water and Gas Corporation, a registered holding company, proposes to issue and sell to The Northwestern Mutual Life Insurance Co. $970,000 principal amount of First Mortgage Pipe Line Sinking Fund Bonds, 3¼% Series, Due 1956, such sale to be for a cash consideration equivalent to 102.78% of the principal amount thereof, plus accrued interest from October 1, 1941.

The declarant, Southern Natural Gas Company, proposes to sell said bonds in order to reimburse its treasury for the cost of property additions comprised in its 1941 construction program, thereby securing funds for its general corporate purposes, including further property additions to be made during 1942. Of the proceeds of the sale of said bonds an amount ($970,000) equal to the principal amount thereof will be deposited with the trustee under the indenture of said applicant dated as of April 1, 1941, thereafter to be withdrawn by the company for its corporate purposes, pursuant to the terms and conditions in said indenture set forth. The remaining portion of said purchase price will be paid forthwith to said company for said purposes, except such portion thereof as may be necessarily expended in expenses incident to said transaction. It is stated that no fees, commissions, or other remuneration will be paid in connection with said sale other than legal fees and other miscellaneous expenses incident to said issue which declarant estimates will aggregate approximately $6,127.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-377; Filed, January 14, 1942; 11:41 a. m.]

[File No. 1-1689]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF MONTANA CONSOLIDATED MINES CORPORATION COMMON CAPITAL STOCK, 10¢ PAR VALUE, NON-ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Appearances. Donald J. Stocking, of the Seattle Regional Office, for the Registration Division.

Montana Consolidated Mines Corporation, a corporation organized under the laws of the State of Montana, has its common capital stock, 10¢ par value, non-assessable, listed and registered on the Standard Stock Exchange of Spokane, a national securities exchange. These securities were effectively registered under the Securities Exchange Act of 1934 on October 1, 1935.

On October 17, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of registrant's common capital stock. The order instituting the proceeding set forth the issues to be determined at the hearing as follows:

1. Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940; and

2. If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its common capital stock.

After appropriate notice to the registrant, the Standard Stock Exchange of Spokane, and the public, a hearing was held before a trial examiner in Seattle, Washington. Both the registrant and the Exchange acknowledged receipt of notice of the proceeding, but neither desired to be represented at the hearing. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940. No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the Standard Stock Exchange of Spokane.

Under Rule X-13A-1, the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. The registrant's fiscal year ends on December 31 and the annual report for the fiscal year ended December 31, 1940, was therefore due to be filed not later than April 30, 1941. At the registrant's request, it was granted extensions of time within which to file its report. However, the extensions of time requested have expired, and the report has not yet been filed.

On April 17, 1940, the registrants' properties were transferred to a receiver appointed in the course of a mortgage foreclosure proceeding. It appears that all of these properties have now been taken over by the mortgagee and that the period for redemption has expired. In a letter to the Commission dated August 25, 1941, the registrant stated that there are no funds in its treasury and that "it will be impossible to file the annual report."

Since May 1940 there has been no trading in the registrant's stock on the Standard Stock Exchange of Spokane.

We find that the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940, and that it is necessary and appropriate for the protection of investors that the listing and registration of its common capital stock be withdrawn. Cf. *Mayflower-Old Colony Copper Company,* 10 S. E. C.—

(1941), Securities Exchange Act Release No. 3075.

Accordingly, it is ordered, That the listing and registration of the common capital stock, 10¢ par value, non-assessable, of Montana Consolidated Mines Corporation on the Standard Stock Exchange of Spokane, a national securities exchange, be withdrawn as of January 26, 1942.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS A. BRASSOR,
Secretary.

[F. R. Doc. 42-378; Filed, January 14, 1942; 11:41 a. m.]

[File No. 54-42]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION, CENTRAL STATES UTILITIES CORPORATION, AND OGDEN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D., 1942.

Notice is hereby given that a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935, including a plan dated as of December 1, 1941 for liquidation of Central States Power & Light Corporation and Central States Utilities Corporation, under section 11 (e) of said Act has been filed with this Commission by said corporations and their parent company Ogden Corporation. The same are on file in the office of this Commission and all interested persons are referred thereto for a statement of the transactions therein proposed, which are summarized as follows:

Proceeds of sales of assets of Central States Power & Light Corporation are from time to time to be made available to the holders of that corporation's outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953, by way of partial payments thereon until the principal amount and accrued interest (but no premium) shall have been paid. The plan contemplates that as and when the amounts of such partial payments shall be made available, interest shall proportionately cease to accrue. Under certain circumstances funds may be utilized for the retirement of bonds pursuant to tenders at their unpaid principal amount and accrued interest instead of being distributed ratably by way of part payment.

Applicants expect that the proceeds of such sales will be more than sufficient to pay the principal of and accrued interest on the above mentioned First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953. Any balance of such proceeds remaining and any additional assets of Central States Power & Light Corporation are to be paid to the holders of securities of that corporation junior to said bonds, in accordance with their rights as the same shall be determined by this Commission, or if an appeal be taken, in accordance with such determination as finally affirmed or modified.

Following completion of sales of assets of Central States Power & Light Corporation that corporation and Central States Utilities Corporation are to be dissolved.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 3, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is appropriate that amounts be made available as proposed by way of partial payments upon the above mentioned bonds of Central States Power & Light Corporation and that interest proportionately cease to accrue as and when such amounts are so made available.

2. Whether it is appropriate that said bonds and the indenture securing the same be discharged as proposed without payment of premium.

3. Whether the provisions of the plan with respect to solicitations of tenders of said bonds are appropriate.

4. To whom and in what proportions should any assets of Central States Power & Light Corporation remaining after discharge of said bonds be distributed.

5. Whether the plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935, is necessary to effectuate the provisions of section 11 (b) of said Act and is fair and equitable to the persons affected thereby.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-379; Filed, January 14, 1942; 11:41 a. m.]